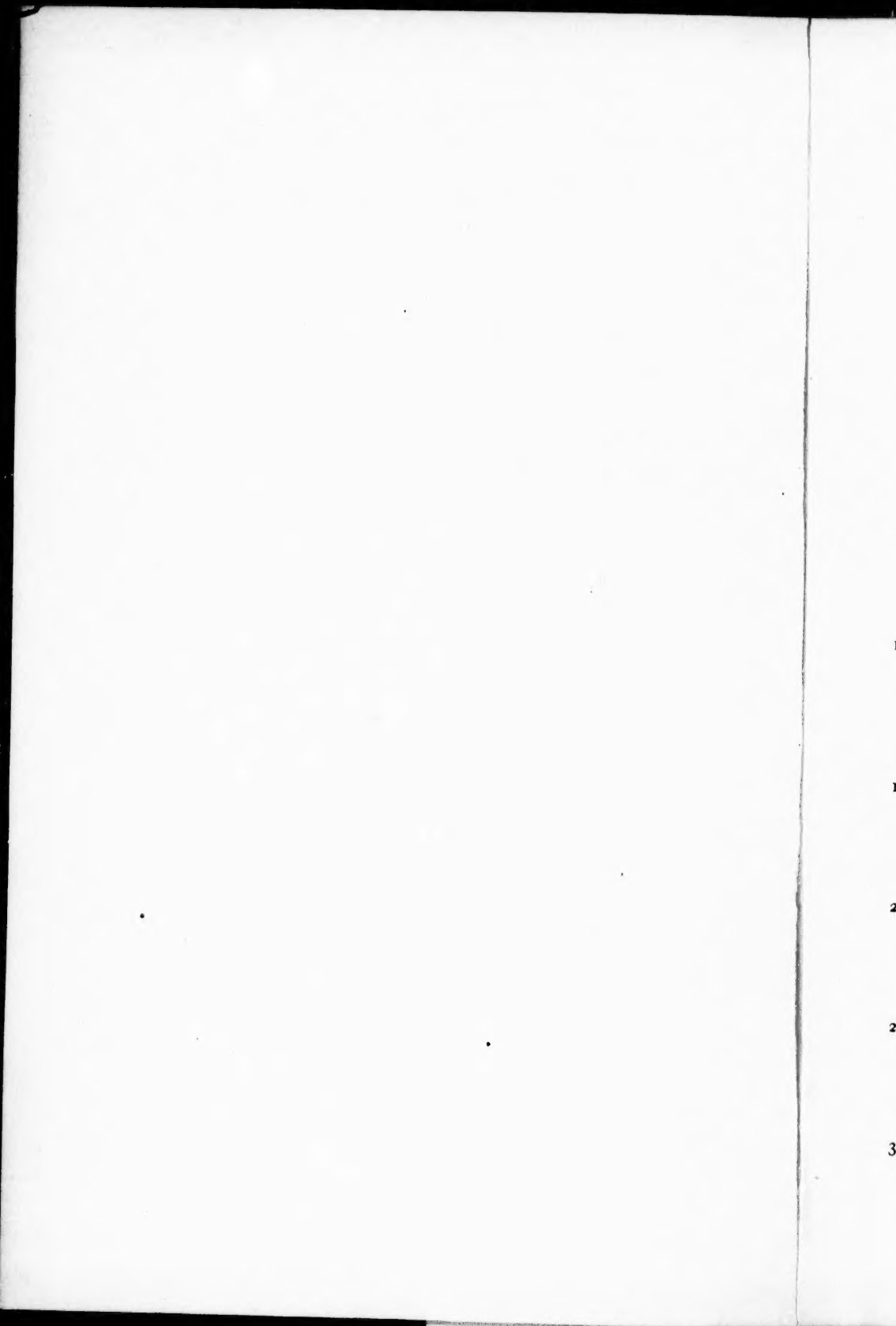




CHARTER  
OF THE  
CITY OF WINNIPEG  
1884.



WINNIPEG :  
THE BISHOP ENGRAVING AND PRINTING COMPANY.  
1884.



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CONSOLIDATED CHARTER  
OF THE  
CITY OF WINNIPEG.

*Assented to 29th April, 1884.*

WHEREAS, the Mayor and Council of the City of  
Winnipeg have, by their petition, prayed that the  
several Acts of Incorporation of the City of Winnipeg be  
further amended, and that the said Acts and Amendments  
thereto be consolidated.

And whereas, it is expedient to grant the prayer of the said  
petition.

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Manitoba,  
enacts as follows :—

1. From and after the passing of this Act the inhabitants of  
the said City of Winnipeg as hereinafter described, and their  
successors shall be, and are hereby declared to be a body  
politic and corporate in fact and in law, by the name of "The  
City of Winnipeg," and separated from the County of Selkirk  
as fully as if the same were a separate County, and the City of  
Winnipeg shall from the time of the passage of this Act be  
separated, and the same is hereby separated from the County  
of Selkirk for municipal purposes only, and the said corpora-  
tion, by the same name shall have perpetual succession, and  
shall have power to sue and be sued, implead and be implead-  
ed, answer and be answered unto, in all courts and in all  
actions, causes and suits at law or in equity whatsoever, and  
shall have a common seal with power to alter and modify the  
same at their will and pleasure, and shall be in law capable of  
receiving by donation, acquiring, holding and disposing of and  
conveying any property, real or moveable, for the use of the  
said city, of becoming parties to any contracts, or agreements  
in the management of the affairs of the said city, of giving or  
accepting any notes, bills of exchange, bonds, obligations, or  
other instruments or securities for the payment of, or securing  
the payment of any sum of money borrowed or loaned, or



executing, guaranteeing the execution of any duty, right or thing whatsoever, and for the payment or securing the payment of any money borrowed, or of paying loans made or debts owing by the said "The City of Winnipeg," or of taking up bonds that may become due, or of making a loan or loans, or any other 5 legitimate and sufficient purpose whatsoever; and for any of the purposes aforesaid the said corporation may grant and issue bonds for the sum or sums of money therein to be specified, under the provisions hereinafter set forth, payable at such time and times after the granting and issuing thereof, and in such 10 place or places in this Province, in the Dominion of Canada, in the United States of America, in any part of Great Britain or elsewhere, and either in the currency of the Dominion or in sterling money of Great Britain, or in the currency of the country where the same may be respectively made payable, as 15 by the said corporation may be thought advantageous or expedient. Provided always that the said corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture or other undertak- 20 ing issued in contravention of this section shall be void. Provided always, that nothing herein contained shall be construed to authorize the said corporation to issue notes or bills of exchange payable to bearer, or to issue notes to circulate as those of a Bank. And provided further that the corporation of 25 "The Mayor and Council of the City of Winnipeg" shall not be deemed to be dissolved by this Act, but the same shall always be deemed to be the same corporation as that known hereunder as "The City of Winnipeg." And provided further that "The Mayor and Council of the City of Winnipeg" or "The 30 City of Winnipeg" shall not be by virtue of this Act, relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing or due, to any county, municipality, corporation, person or persons, by reason of or by virtue of any act, statute, law, contract or proceeding heretofore 35 passed, existing or in force; and provided also, that the change of name of the said corporation shall not affect or cause the abatement of any action or proceeding to which "The Mayor and Council of the City of Winnipeg" are parties, but the same shall be continued as if this Act had not been passed, and any 40 judgment, order or proceeding therein shall have the same effect in favor of or against the corporation by the name of

"The City of Winnipeg" as if such had been heretofore the name of such corporation, and the corporation had always been a party to such action, suit or proceeding by the name of "The City of Winnipeg" and the said corporation of the City of Winnipeg under the name of "The City of Winnipeg" shall be entitled to all the rights and privileges, property and assets belonging to the corporation under the name of "The Mayor and Council of the City of Winnipeg" at the time of the passage of this Act, except as varied thereby. And it is hereby further enacted that the separation mentioned in this section of this Act from the county of Selkirk is upon the express condition that the said corporation of "The City of Winnipeg" shall within one month from the passing of this Act, pay or cause to be paid to the county council of the county of Selkirk, or their successors, the claim of the said County Council against the corporation of "The City of Winnipeg" now in suit in the Court of Queen's Bench, with costs of suit, to be taxed by the proper officer in that behalf.

**2.** The said city of Winnipeg shall be bounded as follows:—

CITY LIMITS

Commencing at a point in the centre of the Red River where the line between lots two and three of the parish of Kildonan would strike if produced easterly thereto; thence westerly along the said line between lots 2 and 3 to the north-east corner of section 24, township 11, range 2, east of the principal meridian; thence westerly along the north side of the road allowance, to a point opposite the north-west corner of the north-east quarter of section 24, of the before-mentioned township, and range; thence southerly along the western line of the aforesaid quarter-section to the south-west corner thereof; and thence in the same direction along the east line of the south-west quarter of the same section to the south-east corner thereof; thence due south along the west side of the Government road allowance to its intersection with the north side of the road allowance on the four mile limit of the lots fronting on the Assiniboine River; thence westerly along the north side of the last mentioned road allowance to a point where the westerly side of the Government road allowance between lots 41 and 42 of the parish of St. James would strike if produced, northerly thereto; thence southerly along the west side of the

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last-mentioned road allowance to the centre of the Assiniboine River; thence westerly along the centre of the Assiniboine River to its intersection with the parish line between St. Boniface and St. Charles, produced northerly thereto; thence along the said parish boundary southerly to the two-mile limit of lots 5 lying on the south side of the Assiniboine River; thence easterly along the south side of the road allowance on the two-mile limit of the Assiniboine lots to its intersection with the west side of the road allowance on the two-mile limit of lots bordering on the Red River; thence southerly along the west side of 10 the last-mentioned road allowance to its intersection with the line between lots 13 and 17 of the parish of St. Boniface; thence easterly along the last mentioned line to the divisional line between lots 13 and 16; thence southerly along the last mentioned divisional line to the centre of the Red River, and 15 thence following the centre of the Red River to the place of beginning.

The said City of Winnipeg shall be divided into six wards, to be numbered respectively "one," "two," "three," "four," "five" and "six."

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#### WARD NO. 1.

Commencing in the centre of the Red River where the centre of the Assiniboine River intersects it; thence westerly along the centre of the Assiniboine River to its intersection with the parish line between St. Boniface and St. Charles, produced 25 northerly thereto; thence along the said parish boundary southerly to the two-mile limit of lots lying on the south side of the road allowance on the two-mile limit of the Assiniboine lots to its intersection with the west side of the road allowance on the two mile limit of lots bordering on the Red River; thence 30 southerly along the west side of the last mentioned road allowance to its intersection with the line between lots 13 and 17 of the parish of St. Boniface; thence easterly along the last-mentioned line to the divisional line between lots 13 and 16; thence 35 southeasterly along the last-mentioned divisional line produced to the centre of the Red River, and thence following the centre of the Red River to the place of beginning.

#### WARD NO. 2.

Commencing in the centre of the Red River where the centre line of Water street would strike, if produced easterly 40

thereto ; thence westerly along the centre of Water street to the centre of Main street ; thence northerly along the centre of Main street to its intersection with the centre of Queen street, or Portage avenue ; thence westerly along the centre of Queen street, or Portage avenue, to its intersection with the centre of Notre Dame street west ; thence westerly along the centre of Notre Dame street west to the centre of Boundary street ; thence southerly along the centre of Boundary street produced to the centre of the Assiniboine River ; thence easterly, following the  
 10 centre of the Assiniboine and Red Rivers to the place of beginning.

## WARD NO. 3.

Commencing at the centre of the Assiniboine River, where the centre line of Boundary street would intersect, if produced  
 15 southerly thereto ; thence northerly along the centre of Boundary street to the centre of Notre Dame west ; thence westerly, following the centre of Notre Dame street west to the western limit of the city ; thence southerly, following the western limit of the city to the centre of the Assiniboine River ; thence east-  
 20 erly along the centre of the Assiniboine River to the place of beginning.

## WARD NO. 4.

Commencing in the centre of the Red River where the centre of Alexander street would strike if produced easterly thereto ;  
 25 thence westerly along the centre of Alexander street produced to the city limits ; thence southerly following the western limits of the city to its intersection with the centre of Notre Dame street west ; thence easterly along the centre of Notre Dame street west to the centre of Queen street, or Portage avenue ;  
 30 thence easterly along the centre of Queen street, or Portage avenue, to the centre of Main street ; thence southerly along the centre of Main street to the centre of Water street ; thence easterly along the centre of Water street produced to the centre of Red River ; thence northerly along the centre of the Red  
 35 River to the place of beginning.

## WARD NO. 5.

Commencing in the centre of the Red River where the centre of Burrows avenue would strike if produced easterly thereto ;

thence westerly along the centre of Burrows avenue produced to the western limit of the city; thence southerly along the western limit of the city to its intersection with the centre of Alexander street produced; thence easterly along the centre of Alexander street produced, to the centre of the Red River; 5  
northerly along the centre of Red River to the place of the beginning.

#### WARD NO. 6.

Commencing at a point in the centre of the Red River where the line between lots 2 and 3 in the parish of Kildonan would 10  
strike if produced easterly thereto, thence westerly along the said line between lots 2 and 3 to the north-east corner of section 24, township 11, range 2, east of the principal meridian, thence westerly along the north side of the road allowance to a point opposite the north-west corner of the north-east quarter 15  
of section 24 of the before mentioned township and range, thence southerly along the western line of the aforesaid quarter section to the south-west quarter corner thereof and thence in the same direction along the east line of the south-west quarter of the same section to its intersection with the centre of Bur- 20  
rows avenue produced, thence easterly along the centre of Burrows avenue produced to the centre of the Red River, and thence northerly along the centre of Red River to the place of beginning.

#### CONSTITUTION OF COUNCIL.

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**3.** There shall be elected from time to time in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the City of Winnipeg, and two fit persons for each ward, who shall be and be called aldermen of the city of Winnipeg; and such mayor and aldermen for the time 30  
being shall form the council of the said city, and shall be designated as such, and shall represent for all purposes whatsoever, the corporation of the city of Winnipeg, and shall hold office until their successors are appointed as provided for in this Act.

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(1.) Any person being in holy orders or the minister of any religious denomination whatever, or any judge of any Court of Record in this Province, sheriffs or officers of the said courts or officers of Her Majesty's army or navy, or dominion, provincial, county or city license commissioners or inspectors, or sal- 40

aried officers of the city, or any person having any unsettled disputed account against or due by, or holding any license from, or a certificate to obtain a license from the said mayor and council, or any person accountable for the revenues of the city, or any officer or person presiding at the election of mayor or aldermen while so employed, or any person who shall have been convicted of treason or felony in any court of law within Her Majesty's dominions or elsewhere, or any person having by himself or through his partner, or as director in any incorporated company any contract whatever, or interest in any contract with or for the city, either directly or indirectly, shall not be capable of being elected or serving as mayor or alderman for the city.

(2.) The persons qualified to be elected mayor and aldermen are such persons as reside within the city and are natural born or naturalized subjects of Her Majesty, males of the full age of twenty-one years, and who are not disqualified under this Act, and have at the time of their election a legal or equitable freehold or partly legal and partly equitable freehold property, rated in their own names on the last revised assessment roll of the city, to at least the value of two thousand dollars over and above the amount of all incumbrances thereon.

#### ELECTORS.

4. The qualification required for voters at municipal elections shall be the same as that required in the case of elections of a member of the Legislative Assembly of this Province, and the voters lists as printed, revised and corrected, as hereinafter provided, shall be the list used for both municipal and legislative election.

(1.) The following persons shall not be entitled to vote at a municipal elections :

- (a.) Persons having been convicted of felony.
- (b.) Aliens.

#### ELECTIONS.

5. A meeting of the electors of the city shall take place for the nomination of candidates for the office of mayor of the city on the first Monday of the month of December, annually, at

eleven o'clock in the forenoon, in the city hall, and for the nomination of candidates for the office of aldermen for each ward, on the same day and at the same place at the hour of twelve o'clock noon. The clerk of the city shall be the returning officer of the city to preside at such meeting, and in case of his absence or inability to attend, the council shall appoint a person as returning officer in his place, and if the clerk or the person so appointed does not attend at the hour for holding such meeting the electors present shall appoint a returning officer from among themselves.

(1.) No nomination for mayor shall be received after the hour of twelve o'clock noon of the said day and no nomination for alderman shall be received after one o'clock in the afternoon of the said day.

(2.) The city clerk shall give notice of such meeting of the electors for the nomination of candidates for mayor and aldermen by advertisement for at least one week in a daily newspaper published in the city and at least six posters posted in each ward in said city.

**6.** The nomination of each candidate shall be in writing and be signed by the proposer and seconder, who shall be in case of alderman duly qualified electors of and resident in the ward in which the candidate is nominated, and in case of mayor duly qualified electors of, and resident in any ward of the city, and such nomination shall contain a statement signed by the person nominated that he consents to such nomination. If no more than the required number for any particular office be nominated, the returning officer shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate or candidates duly elected for such office or offices. Should more than the requisite number be nominated for any particular office, the returning officer shall adjourn the proceedings for filling such offices until the second Monday in December, when the poll or polls shall be opened in each ward, or polling sub-divisions at such place or places respectively as may be fixed by the by-law of the council for the election at nine o'clock in the forenoon, and shall continue open until five o'clock in the afternoon of the same day and no longer.

**7.** The council shall from time to time by by-law appoint



the place or places for taking the vote of the electors in each ward of the city, and appoint the deputy returning officers to take the said votes in such wards, and in the event of no such deputy-returning officers being so appointed, the clerk of the city shall appoint deputy returning officers for holding the election in conformity with this Act.

(1.) In case at the time appointed for holding an election the person appointed to be deputy returning officer has died or does not attend to hold the election within one hour after the time appointed, or in case no deputy returning officer has been appointed, the electors present at the place for holding the election may choose from among themselves a deputy returning officer who shall have all the powers of a deputy returning officer, and shall forthwith proceed to hold the election and perform all the other duties of a deputy returning officer, and in all cases the city clerk or such person as the council may appoint shall administer the necessary oath of office to the deputy returning officers.

(2.) The returning officer and deputy returning officers howsoever appointed as aforesaid, shall during the election, act as conservators of the peace for the city, and they or any justice of the peace having jurisdiction in the city may cause to be arrested, and may summarily try and punish by fine or imprisonment or both, or may imprison or bind over to keep the peace or for trial, any riotous or disorderly person, who assaults, beats, molests, or threatens any voter coming to, remaining at or going from the election, and when thereto required, all constables and persons present at the election shall assist the returning officer, deputy-returning officer, or justice of the peace, under a penalty of fifty dollars, or in default of payment to be imprisoned for a period not exceeding thirty days.

(3.) Every returning officer, deputy returning officer or justice of the peace, may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election, and any person liable to serve as constable and required to be sworn in as special constable by the returning officer, deputy returning officer or justice of the peace shall, if he refuses to be sworn or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor.



**8.** The proceedings at elections shall be as follows :

(1.) The clerk of the city or other returning officer shall before the poll is opened, deliver to the deputy returning officer for each ward or polling sub-division, a ballot box, and a copy answering to the form in the schedule of this Act, certified to 5 be a correct copy of the Voters' list of the ward and also a list of the candidates for the office of mayor and of the candidates for the office of alderman for such ward, together with a sufficient number of ballots for aldermen and for mayor, or either as required. 10

(2.) The clerk or other returning officer shall deliver with such Voters' lists his solemn declaration under oath that the said Voters' list is a true and correct list, containing the names of all persons entitled to vote at said election in respect to being duly qualified by appearing on the last revised Voters' 15 list of said city or ward.

(3.) Every deputy returning officer shall nominate and appoint, in writing, a clerk to act for him in the election to whom he shall administer the oath of office.

(4.) Every deputy-returning officer, except in cases provided 20 for in sub-section 1 of this section, shall commence every election at nine o'clock in the forenoon and close the same at the hour of five o'clock of the afternoon of the same day.

(5.) Every deputy-returning officer shall administer all oaths and affirmations necessary at an election. 25

(6.) In case by reason of riot or other emergency an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer shall hold or resume the election on the following day, at the hour of nine o'clock in the forenoon, and con- 30 tinue the same from day to day, if necessary, until the poll has been opened without interruption, and with free access to voters for eight hours in all, in order that all the electors so intended may have had a fair opportunity to vote.

(7.) At an election of mayor or aldermen, a voter before 35 marking his ballot paper, if so required by any candidate or his

agent or any elector, shall state his occupation and residence to the deputy returning officer, or if so required shall take the following oath [or affirmation] :—

“I swear [or affirm] that I am a subject of Her Majesty by  
 5 birth [or naturalization]; that I am twenty-one years of age;  
 that I am the person whose name is on the list of electors now  
 shewn to me; that I have not voted before at this election in  
 this ward or for a candidate for mayor [if the elector proposes  
 to vote for a candidate for the Mayoralty]; that I have not re-  
 10 ceived anything nor have I accepted any promise made to me  
 directly or indirectly either to induce me to vote at this elec-  
 tion or to indemnify me for loss of time, travelling expenses,  
 hire of vehicle, or any other service connected with this elec-  
 tion; that I have not been guilty of any act of bribery or undue  
 15 influence as defined by this Act or any Act of corruption dis-  
 qualifying me from voting at this election, and that I am pro-  
 perly qualified to vote at this election. So help me God.”

(8.) The Council of the city shall provide a ballot box for  
 each ward, which shall be provided with a lock and key and  
 20 have an opening through the lid of sufficient size to admit a  
 single folded ballot and no more, and the same boxes shall be  
 kept by the city clerk for the uses of the said city only, and  
 shall be given out by him to the several deputy returning officers  
 for use in election purposes, and it shall be the duty of the  
 25 deputy returning officer for each ward forthwith after any elec-  
 tion to return the same to the city clerk.

(9.) The deputy returning officers for each ward shall, upon  
 the opening of the poll, open the ballot box in presence of the  
 candidates (if present) and their agents or other persons then  
 30 present, and shall turn it upside down, so as to shew it is  
 empty, and then lock the box, and the key thereof shall be  
 kept by him, and the said box shall not be re-opened until the  
 close of the poll for the purpose of counting the ballots  
 therein.

35 (10.) Every elector shall vote by ballot.

(11.) It shall be the duty of the clerk forthwith after nomi-  
 nations are held for the office of Aldermen in the various wards  
 in the city to cause to be printed a ballot for each separate  
 ward in which there shall be an election for aldermen, which

ballot shall have printed upon them in large letters at the top the number of the ward and thereafter the names of the candidates for the office of alderman for that ward, which names shall be in alphabetical order, and deliver sufficient of the same to each deputy returning officer for each ward. 5

(12.) In case an election for Mayor is required, the clerk shall cause a ballot to be printed, which shall have printed upon it at the top "City of Winnipeg," and thereafter printed in large letters the names of the candidates for the office of Mayor, which names shall be in alphabetical order, and deliver 10 sufficient of the same to the deputy returning officers for each ward.

(13.) The ballot papers for Mayor shall be printed on pink or red paper, and those for aldermen on white paper, and there shall be a margin left on the right-hand side of each ballot 15 after the names sufficient for the mark of the voter, and the names shall be printed closely to the left-hand margin.

(14.) The deputy returning officers shall provide a private room with desk and pencil where a voter shall retire to mark his ballot. 20

(15.) The deputy returning officer shall put his initials upon each ballot when one is asked for by a voter, and shall mark upon the voters' list a mark to indicate that a ballot has been given out. No voter shall be given more than one ballot paper for Mayor and one for Aldermen. 25

(16.) The voter shall at once, upon receiving his ballot paper or papers retire to the room provided for the purpose and mark his ballot or ballots by putting his cross on the right-hand side of the name of the candidate for whom he wishes to vote, and shall at once fold and return the same to 30 the deputy returning officer, in the presence of the Scrutineers or agent or agents of the Candidates, who shall without opening the said paper or papers, or permitting the same to be opened or examined, deposit the same in the ballot box and the deputy-returning officer's clerk shall thereupon write down 35 the name of the person whose ballot paper has been deposited in the said ballot box in a separate list provided for that purpose, and the said clerk shall sign and subscribe his name to

such list and return the same to the deputy-returning officer at the close of the poll.

(17.) The deputy-returning officer when any ballot paper or papers are required shall pronounce in an audible voice the name of the person requiring a ballot or ballots and if the name of such person is found upon the voters list of the said ward used at such election, the said returning officer, if the said voter is not required to take the oath or to state his residence or occupation, or if required to take the oath or make such statement, duly takes or states the same, as required, shall deliver a ballot or ballots for the office or mayor and alderman or either as the case may be, as provided for in the next subsection.

(18.) A voter who has inadvertently dealt with the ballot paper or papers given him, in such manner that either or both cannot be conveniently used, may, on delivering the same to the deputy-returning officer, obtain another or others in the place of that so delivered up.

(19.) Immediately after the close of the poll, the deputy-returning officer shall, in the presence of the clerk and the candidates or their agents, and if the candidates and their agents are absent, then in the presence of at least three electors, open the ballot box and proceed to count the number of votes given for each candidate. In doing so he shall reject all ballot papers which are not similar to those supplied by the deputy-returning officer, all those by which the votes have been given for more candidates than are to be elected; and finally all those upon which there is any writing or mark by which the voter could be identified.

The other ballot papers being counted and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels, and those rejected shall also be put into a different envelope or parcel, and all these parcels, being endorsed so as to indicate their contents, shall be put back into the ballot box.

(20.) The deputy-returning officer shall take a note of any objection made by any candidate, his agent or any elector pre-

sent, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of such deputy-returning officer shall be final, subject only to reversal on petition questioning the election or return.

Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper and initialed by the deputy-returning officer.

(21.) The deputy-returning officer shall make out a statement of the accepted ballot papers, of the number of votes given to each candidate, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep by him a copy of such statement, and enclose in the ballot box the original statement, together with the voters' list and a certified statement, at the foot of each list, of the total numbers of electors who voted on each such list, and such other lists and documents as may have been used at such election. The ballot box shall then be locked and sealed, and shall be delivered to the city clerk.

(22.) Upon receiving the ballot boxes from the several deputy-returning officers the city clerk shall add together the number of votes cast for the various candidates for mayor, and shall forthwith declare the candidate having the highest number of votes to be mayor of the said city, and shall also forthwith declare the candidates from each ward who shall appear by such returns to have received the highest number of votes elected the aldermen for such ward respectively, and in case two or more candidates for the office of mayor have received an equal number of votes, then the city clerk shall vote for one thereof and forthwith declare such one elected.

(23.) In case two or more candidates for alderman have an equal number of votes, the city clerk, whether otherwise qualified or not, shall give a vote for one or more of such candidates so as to decide the election.

(24.) In case no return be made for one or more wards in consequence of non-election, owing to interruption by riot or other cause, the members of the council duly elected being at least a majority of the whole members of the council when full, shall elect one of the aldermen to be presiding officer who shall

act as mayor and who shall take the necessary declarations and possess all the powers of mayor until a poll for each ward or wards has been held.

(25.) No person shall be allowed to inspect any rejected ballot papers in the custody of the city clerk except under the order of the judge of the County Court having jurisdiction in the city of Winnipeg ; such order to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a

petition questioning an election or return ; and, any such order for the inspection or production of ballot papers may be made, subject to such conditions as to persons, time, place and mode of inspection or production, as the Court or Judge making the same may think expedient, and shall be obeyed by the clerk of the city.

(26.) Upon an affidavit presented by any elector, the Judge of the County Court of the County of Selkirk shall have power to and shall direct a recount of the ballots cast for mayor or aldermen, and shall direct the city clerk to produce all the ballot papers before him, and he shall recount the same and decide as to the proper number of ballots cast for each candidate, and declare the result of such recount, and his declaration as to such recount shall be final, subject to the election being contested as hereafter provided. Such recount must be made within seven days after the declaration of the city clerk—a fee of twenty dollars shall be paid by the applicant to the County Court Judge upon presenting the affidavit asking for the recount.

(27.) The deputy-returning officer, on application of any voter who is unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the agents of the candidates, and of no other person, and by placing such ballot paper in the ballot box. And the deputy-returning officer shall cause a list to be kept of the names of voters whose ballot papers have been so marked, in pursuance

of this section, with the reason why each ballot paper was so marked. And whenever the deputy-returning officer shall not understand the language spoken by an elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote. 5

(28.) Every deputy-returning officer or clerk who is guilty of any wilful malfeasance or any wilful act or omission in contravention of the election clause of this Act, shall forfeit to any person aggrieved by such malfeasance, act or omission, a penal sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person. 10

(29.) In addition to the deputy-returning officer and the poll clerk, the candidates or their agents (not exceeding two in number for each candidate for mayor, and one for each candidate for alderman) and in the absence of agents, two electors to represent each candidate for mayor and one elector to represent each candidate for alderman by the request of such electors or elector, and no others shall be permitted to remain in the room where the votes are given during the whole of the time the poll remains open. 20

(30.) Any person producing to the returning officer or deputy-returning officer at any time a written authority from a candidate to represent him at the election, or at any proceeding of the election, shall be deemed an agent of such candidate within the meaning of this Act. 25

(31.) The agents of each candidate, and in the absence of any agent of any candidate, the electors or elector representing such candidate, if there be such electors or elector, on being admitted to the polling station, shall take the following oath [or affirmation]:—"I do solemnly swear (or affirm) that I will keep secret the name or names of the candidate or candidates for which any of the voters in Ward No —— may have marked his ballot paper in my presence at this election. So help me God." 30

**9.** The mayor elect shall make and subscribe the necessary declarations of office and qualification on the day appointed

for the first meeting of the council before the City Clerk or a Justice of the Peace, and shall afterwards administer the necessary declarations to the other members of the council; but in case of the Mayor's absence the declarations of office of the  
 5 aldermen may be taken before the clerk of the city or Police Magistrate, and the Mayor may afterwards make his declaration of qualification and office.

(1.) No other business shall be proceeded with at the said meeting until the said declarations have been administered to  
 10 all the members who present themselves to take the same.

**10.** In case a member of the council be convicted of felony or infamous crime or be declared a bankrupt or be charged in execution for debt and remains in close custody or upon gaol limits for one month, or applies for relief as an insolvent debtor  
 15 or assigns his property for the benefit of creditors, or in case of any member of the council absents himself from the meetings of the council for one month or from the meetings of any committee for two months, he being a member of such committee, without being previously excused by a resolution of council entered on its minutes, his seat in the council shall thereupon become vacant.  
 20

**11.** In any case provided for by the next preceding section of this Act or in case a person elected to the council neglects or refuses to accept the office within six weeks after the time he  
 25 should assume office, or to make the necessary declarations of office, or in case a vacancy occur in the council caused by death, judicial decision or otherwise, the head of the council for the time being or in case of his absence or his office being vacant, the clerk, or in the case of the like absence or vacancy  
 30 in the office of clerk, any one of the members of the council shall forthwith, by warrant under the signature of such head, clerk or member and under the corporate seal, require the deputy-returning officer appointed to hold the last election for the city, or any other person duly appointed to that office, to  
 35 hold a new election to fill the place of the person neglecting or refusing as aforesaid or to fill the vacancy,

(1.) Every mayor or alderman so elected to replace another shall remain in office for the remainder of the time for which his predecessor had been elected and no longer.



## CONTESTED ELECTIONS.

**12.** If the election of the mayor, or one or more aldermen be contested, such contestation shall be decided by any Judge of the Court of Queen's Bench in Chambers.

(1.) Every such election may be contested by any unsuccessful candidate or by at least ten electors qualified to vote at such election.

(2.) The said contestation shall be brought before the Judge in Chambers by a petition signed by the petitioner or petitioners, setting forth in a clear manner the grounds of such contestation.

(3.) A true copy of the petition, with a notice stating the day on which the petition will be presented to the Judge shall be first duly served upon the mayor or alderman or aldermen whose election is contested, at least eight days before the day on which the petition is presented to the Judge, and a return of the service shall be drawn up and signed in due form upon the original of the petition by the person who made the service; but no such petition shall be received after one month after the election thereby contested; nor shall any such petition be received unless security for costs, to be approved by the said Judge, be given by the petitioner or petitioners.

(4.) If the Judge is of opinion that the grounds set forth in the petition are sufficient in law to void the election, he shall order proof to be adduced and the parties interested to be heard on the nearest day which he deems it expedient, and shall proceed in a summary manner to hear and try the said contestation; the evidence shall be given in the same manner as in an ordinary civil cause; and if the trial of such contestation is not concluded at the close of the sittings during which it began, the Judge may continue the same, and shall adjourn from day to day until he has pronounced his final judgment upon the merits of the same, and every such judgment so pronounced and all proceedings had in any such case shall have the same effect as if the same had been pronounced or had in open court.

(5.) The Judge may, on such contestation, confirm the election or declare the same to be null and void, or declare another

person to have been duly elected, or may, in either case, award costs to or against any party, which costs shall be taxed and allowed in the Court of Queen's Bench at law, and shall be recoverable by execution issued out of the Court of Queen's Bench by order of the said Judge.

(6.) If any defect or irregularity in the formalities prescribed for the election are set forth in such a petition, as a ground of contestation, the Judge may admit or reject the objections according as such defect or irregularities may or may not have materially affected the election.

(7.) In case the election complained of be adjudged invalid, the judge shall forthwith, by writ, cause the person found not to have been duly elected, to be removed; and in case the judge determined that any other person was duly elected, the judge shall forthwith order a writ to issue, causing such other person to be admitted; and in case the judge determines that no other person was duly elected instead of the person removed, the judge shall by a writ addressed to the clerk of the council cause a new election to be held and the same formalities shall be observed at such election as are required to be observed at every general election under this Act.

(8.) In case the election of all or any of the members of the council be adjudged invalid, the writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, shall be directed to the clerk of the council, who shall have all the powers for causing an election to be held which the council has in order to supply vacancies therein.

#### CORRUPT PRACTICES

**13.** The following persons shall be deemed guilty of corrupt practices and shall be punished accordingly:—

(1.) Every person who, directly or indirectly by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, or promises any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment to, or for any vote, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain

from voting at a municipal election, or upon any by-law for raising any money or creating a debt upon the city, for any purpose whatsoever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at any such municipal election or upon any such by-law. 5

(2.) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person in order to induce such person to procure or endeavor to procure the return of any person to serve in any municipal council or to procure or prevent the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for or against any such by-law.

(3.) Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, procures or endeavors to procure the return of any person in any municipal election, or to procure or prevent the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, for or against any such by-laws.

(4.) Every person who advances or pays, or causes to be paid any money to, or to the use of any other person with the intention that such money or any part thereof shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays or causes to be paid, any money to any person in discharge or re-payment of any money, wholly or in part expended in bribery at any such election or at the voting upon any such by-law. 20 25

(5.) Every voter who, before or during any municipal election or the voting on any such by-law, directly or indirectly, by himself or any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place of employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election or upon any such by-law.

(6.) Every person who, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable 35

consideration on account of any person having voted or refrained from voting, at any such election or upon any such by-law.

(7.) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of any force, violence or restraint, or inflicts or threatens the infliction, by himself or by or through any other person, of any injury damage or loss, or in any manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at an election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subjected to the penalty hereinafter mentioned.

(8.) Every person who corruptly by himself, or by or with any person, or by any other ways or means on his behalf, at any time either before or during any election or the voting upon any by-law, directly or indirectly gives or provides or causes to be given or provided or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person in order to be elected, or for being elected or procuring the election of any other person or the passage of any such by-law or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election or upon such by-law, shall be deemed guilty of the offence of treating.

(9.) Every person during the voting at an election or upon any by-law who knowingly personates and falsely assumes to vote in the name of another person, whose name appears on the voters' list, whether such other person be then living or dead, or if the name of such other person be the name of a fictitious person. Every person who having already voted at an election or upon a by-law presents himself again to vote at the same election or upon the same by-law. Every person who aids, incites, counsels, or facilitates the commission by any person whomsoever of any of the foregoing acts in this sub-section mentioned.

**14.** The actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and a payment thereof shall not be a contravention of this Act.

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**15.** Upon the trial of any petition against the election of a mayor or aldermen or against any by-law voted upon by the ratepayers under this Act there shall be struck off from the number of votes given for any candidate or for or against such by-law one vote for each person who shall have been proved to have voted after having been guilty of a corrupt practice at the instigation of the candidate or one of his agents or of any person acting in the name or in the interest of such candidate or acting for or against such by-law as the case may be.

**16.** Where in an application in the nature of a *quo warranto*, or upon any such petition or upon application to quash any by-law, any question is raised as to whether the candidate or any voter or other person has been guilty of any violation of section thirteen of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before any Judge of the Court of Queen's Bench or by an examination upon an appointment granted by him in cases pending in such court.

**17.** Any candidate elected at any municipal election, whose election is contested being found guilty by the judge upon any trial of any act of bribery, or of using undue influence, as aforesaid, shall forfeit his seat and shall be ineligible as a candidate at any municipal election for two years thereafter.

**18.** Any person who is adjudged guilty of any of the offences within the meaning of said section shall incur a penalty of not less than ten or more than fifty dollars, and shall be disqualified from voting at any municipal election or upon any by-law for the next succeeding two years.

**19.** The penalties imposed by the last preceding section or by any other section of this Act in respect to which no special provision is otherwise made, shall or may be recoverable, with full costs of suit, by any ratepayer of the city who may sue for the same by action of debt in any court having jurisdiction

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where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or municipal voter until the amount which he has been ordered or adjudged to pay is fully paid and satisfied.

5 **20.** It shall be the duty of the judge who finds any candidate guilty of a contravention of section thirteen or who condemns any person to pay any sum for any offence within the meaning of this Act, to report the same forthwith to the clerk of the city. The clerk of the city shall duly enter in a book to  
10 be kept for the purpose, the names of all persons who have been adjudged guilty of any offence within the meaning of section thirteen of this Act, and of which he has been notified by the judge who tried the cause.

**21.** Any witness shall be bound to attend before any judge  
15 upon being served with the order of such judge as a subpoena issued by the court directing his attendance, and upon payment of the necessary fees for such attendance in the same manner as if he had been directed by a writ of subpoena in an ordinary cause so to attend, and he may be punished for contempt, and  
20 shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with such subpoena in an ordinary cause.

**22.** No person shall be excused from answering any question put to him in any action, suit, or other proceeding in any  
25 court or before any judge, touching or concerning any election or the voting upon any by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person  
30 claiming to be excused on the ground of privilege or on the ground that such answer will subject him to any penalty under this Act shall be used in any proceeding under this Act against any person. If the judge gives to the witness a certificate that he claimed the right to be excused on either of the  
35 grounds aforesaid, and made full and true answer to the satisfaction of the judge.

#### ASSESSMENT.

**23.** The council shall appoint an assessment commissioner and not more than three assistants, all of whom shall be called

assessors, and they shall constitute a board. And the salaries to be paid to the said assistants shall be fixed by the council at such rate each per month as the council may think right during the time they are employed, and the salary to be paid the said assessment commissioner, who shall be a permanent officer of the city, shall also be fixed by the council. 5

**24.** The council shall on or before the first day of November in each year, furnish the assessors appointed, with a printed or ruled form of an assessment roll in uniformity with schedule "A" to this Act, in which after enquiry, he or they shall set down all the information therein required to be contained : and also with a sufficient number of blank forms necessary and requisite to proceed with and conclude the assessment. 10

**25.** It shall be the duty of the assessors to make a valuation annually of all the rateable property in the city, and to report the same with such particulars as the council may require. 15

**26.** It shall be the duty of the said assessors to revise the valuations made by each assessor and to see that all rateable property in the city is assessed and to make the assessments throughout the city as uniform as possible, and to make out an assessment roll in such form as the council may direct, and when such assessment roll is completed it shall be the duty of such assessors to deliver or cause to be delivered, at least fifteen days before the first sitting of the Court of Revision, to each person so assessed who resides within the city either personally or by leaving the same at their residence or place of business or by posting the same addressed to such person at Winnipeg. a notice containing a copy of so much of said assessment roll as refers to the property of such person and to mail to the address of any non-resident who is rated upon such roll a like notice, provided such person has by writing requested to be assessed, and in all other cases proprietors shall be assessed as non-residents and no notice shall be required. 25 30

**27.** It shall be the duty of such assessors to begin to make the assessment not later than the first day of November in each year for the following year, and as soon as the said notices have been given, and on or before the first day of February in each 35

year to return to the city clerk such assessment roll, and they shall attach thereto a certificate signed by each of them and verified upon oath or affirmation before the Mayor, Police Magistrate of the city, or Judge of the Court of Queen's Bench in the form following :

We do solemnly certify each for himself and for each other, as far as our knowledge extends, that we have set down in the above Assessment Roll all the real property liable to taxation situated within the ward of the city of Winnipeg and the true and actual value thereof in each case according to the best of our information and judgment, and also that the said assessment roll contains a true statement of aggregate amount of the personal property or of the taxable income of every person named on the said roll, and that we have estimated the same according to the best of our judgment, information and belief, and we certify that we have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons entitled to be assessed who have required their names to be entered thereon with the true amount of property occupied or owned or of taxable income received by each, and that we have not entered the name of any person whom we do not truly believe to be a householder, tenant or freeholder, or the *bona fide* occupant or owner of the property, and that the date of delivering or transmitting the notice required herein is in every case truly and correctly stated in the said roll, and we further certify and swear (or affirm as the case may be) that we have not entered the name of any person in order to give such person a vote, or at too high a rate in order to give such person a vote, or at too low a rate in order to deprive such person of a vote, or for any other reason whatever, and that the amount for which each person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid, and that we have truly set down upon the said roll the number of horses, cattle, sheep and pigs in the possession of each person assessed and also the particulars required in reference to the registration of vital statistics as stated to us by the persons so assessed.

(1.) It shall be the duty of the City Clerk on the return of the assessment roll by the Assessment Commissioner to give notice when and where the same may be inspected, said notice



to be given at least thirty days before the Court of Revision, which notice shall also mention the time and place at which such Court of Revision shall hold its first meeting.

**28.** It shall be the duty of every person assessable in the city, to give all necessary information to the assessors, and if required by one or more of the assessors he shall deliver to him or them a statement in writing, signed by such person (or by his agent if the person himself be absent) containing all the particulars respecting the property assessable against such person which are required in the assessment roll. It shall be the duty of the Registrar of the city, when so required by the assessor or assessors, to allow him or them access free of charge at all reasonable times to the books containing the records of city property.

**29.** In case any person fails to deliver to the assessor or assessors the written statement mentioned in preceding section when required so to do, such person shall, upon conviction before the Mayor or any Justice or Justices of the Peace having jurisdiction in and for the said city, forfeit to the corporation a sum not exceeding fifty dollars and costs, to be recovered by distress and sale of the goods and chattels of the offender in like manner as if convicted of any breach of a by-law of said city.

**30.** No assessor or assessors shall be bound by any statement if he or they has or have reason to doubt its accuracy, nor shall he or they be excused on account thereof from making inquiry to ascertain its correctness, and he or they shall discriminate as to the property mentioned therein which is legally assessable or otherwise, and may assess such person for such amount of real and personal property, as he or they believes or believe to be just and correct, and may omit his name or any property which he claims to own or occupy if the assessor or assessors has or have reason to believe that he is not entitled to be placed on the roll or to be assessed for such property.

**31.** "Land," "Real Property" and "Real Estate," respectively, shall include all buildings and other things erected upon or affixed to the land, and all machinery and other thing so fixed to any buildings as to form in law a part of the realty, and all mines, minerals and quarries, in and upon the same, except mines belonging to Her Majesty.

**32.** "Personal estate" and "personal property," shall include all goods and chattels except land and real estate and real property as above defined and except property herein expressly exempted.

5 **33.** "Property" shall include both real and personal property as above defined.

**33.** Unoccupied lands shall be denominated "Lands of Non-Residents," unless the owner thereof has a legal domicile or place of business in the city, or gives notice in writing, setting forth his full name, place of residence, and post office address, to the clerk of the city, on or before the thirtieth day of October in each year, that he owns such land, describing it, and requires his name to be entered on the assessment roll therefor, and the clerk of the city shall, on or before the first  
10 day of November in each year, make up and deliver to the assessors, a list of the persons requiring their names to be entered on the roll and the lands owned by them.

**34.** All municipal taxes or rates, shall, where no other express provisions have been made in this respect, be levied  
20 equally on the whole rateable property, real and personal of the city according to the assessed value of such property and not upon any one or more kinds of property in particular or in different proportions,

#### EXEMPTIONS.

25 **35.** All land and personal property in the city shall be liable to taxation, subject to the following exemptions, that is to say :

(1.) All property vested in and held by Her Majesty or vested in any public body, or body corporate, officer or person in  
30 trust for Her Majesty, or for the public use of the Province, and also all property vested in or held by Her Majesty or any other person or body corporate, in trust for or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity.

35 (2.) Where any property mentioned in the preceding clause is occupied by any person otherwise than in an official capacity,

the occupant shall be assessed in respect thereof, but the property itself shall not be liable.

(3.) Every place of worship and not more than two acres of land used in connection therewith, and every burying ground, but in no case shall any one parish church or congregation be entitled in the aggregate to more than two acres by way of exemption. 5

(4.) The buildings and grounds of and attached to, and the furniture, library and educational appliances belonging to every University, College, High School, Public free Library, Mechanics Institute, the lands of any Agricultural or Horticultural Society, or any incorporated seminary of learning, whether vested in trustees or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise occupied. 15

(5.) Every Public School House, City Hall, Court House, Gaol, House of Correction, Lock-up House and Public Hospital, or incorporated charitable institution, with the land attached thereto, and the personal property belonging to each of them and used in connection therewith. 20

(6.) Every public road, street, way, square or park. 25

(7.) The property belonging to the city, whether occupied for the purpose thereof or unoccupied, but not when occupied by any person as tenant or lessee or otherwise than as a servant or officer of the city for the purpose thereof. 30

(8.) Any Penitentiary, Prison, or Reformatory and the land attached thereto belonging to this Province. 35

(9.) Every Industrial Farm, Poor House, Alms House, Orphan Asylum, House of Industry and Lunatic Asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same, and used in connection therewith. 35

(10.) Each horse regularly enlisted for duty in any corps of the active Militia of Canada.

**36.** In assessing vacant ground or ground used as a farm or nursery and not in immediate demand for building purposes, the value of such vacant or other ground shall be that at which sales can be freely made; and where no sales can be reasonably  
 5 expected during the year for which the assessment is being made, the assessors shall value such land as though it was held for farming or gardening purposes, with such percentage added thereto as the situation of the land may reasonably call for, and such vacant land, though surveyed into building lots, if  
 10 used as such, may be entered upon the assessment roll as so many acres of the original block or lots, describing the same by the description of the block or by the number of the lot (as the case may be); provided that in such case the number of each building lot in each such block or lot shall be inserted on the  
 15 assessment roll, and each shall be liable for a proportionable share as to the value of the amount of the taxes imposed, and any person owning any of said lots shall be liable to contribute their proportion of the tax to any person who may have been compelled to pay the same.

20 (1.) When ground is not held for the purpose of sale but *bona fide* used as a farm or market garden or in connection with a building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed at a valuation which at six per centum would yield a sum equal to the annual rental which in  
 25 the judgment of the assessor it is fairly and reasonably worth for the purpose for which it is used, reference being always had to its position and local advantages.

#### MISCELLANEOUS PROVISIONS.

**37.** No assessment shall be invalid by reason of any defect  
 30 in form, or by reason of omission of assessable property therefrom or by the non-return of the roll at the time specified.

(1.) It shall be the duty of such assessors, in addition to other duties imposed upon them, to collect such other information as is required by any Act of the Legislature of this Pro-  
 35 vince, or by any Order in Council passed thereunder.

(2.) The real estate of all railway companies shall be considered as lands of residents, although the company has not an office in the city, except in cases where a company ceases to

exercise its corporate powers through insolvency or other cause, except the property of any railway company heretofore exempt.

(6.) All property, the names of the owners of which shall not be ascertained by the assessors, shall be entered in the assessment roll as "non-resident property." 5

(7.) Lands occupied by the owner shall be assessed in his or her name.

(8.) As to the land not occupied by the owner, but of which the owner is known, and who at the time of the assessment 10 being made, resides, or has a legal domicile or place of business in the city, or who has signified, by writing to the city clerk, as herein provided, that he owns the land and requires to be assessed therefor, the same shall be assessed against such owner alone if the land is unoccupied, or against such owner and 15 occupant when occupied.

(9.) No person in Her Majesty's naval or military service on full pay or on actual service, shall be liable to perform statute labor or to commute therefor. 20

(10.) Every other male inhabitant of the city of the age of 20 twenty-one years and upwards who has not been assessed upon the assessment roll of the city, or whose taxes do not amount to two dollars, shall be taxed at two dollars yearly, which shall be collected in the same manner as other taxes, and shall be known as "Poll tax," and a separate roll containing the names 25 of the persons liable shall be made by the assessors.

(11.) The assistants of the assessment commissioners after their appointment by the council shall be under the control and supervision of the assessment commissioner, who shall have the right, irrespective of the council, to suspend any assistant dis- 30 obeying orders or otherwise in his opinion violating the duties of his office pending the action of the council, and during which period his salary and wages shall cease, and the said assessor may also during such suspension of any assistant pending the action of the council, employ another to fill his place. 30

## COURT OF REVISION.

5 **38.** The assessment roll of the city shall be annually revised and corrected by the council thereof at a court of revision ; and the person or persons so assessed, or non-assessed, if he or  
10 they complain of their assessment or non-assessment, or of the assessment or non-assessment of any other person, shall, at least seven days previous to the first meeting of the court of revision, notify the clerk of his or their ground of complaint ; and the council shall, at the time and place mentioned in the  
15 notice referred to in section 27, sub-section 1 of this Act, form themselves into a court of revision, to be composed of not less than four members of the council, for hearing such complaints ; and after hearing the parties complaining as well as the assessors, and such evidence as may be adduced, the said court of  
20 revision may alter, raise, or lower the assessment and amend the roll accordingly ; and such decision shall be considered as final, except the same is further amended, on appeal to the judge of the County Court having jurisdiction in the city of Winnipeg.

20 (1.) At the court of revision the complainant, witnesses or assessors, shall give evidence under oath ; four members of the council shall be a quorum of the court ; any member thereof may administer the oath to any party giving evidence thereat, and the clerk of the council shall be the clerk of the court, unless  
25 the court otherwise determines.

(2.) The roll as finally passed by the court of revision and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the judge of the County Court having jurisdiction in the city of Winnipeg, be  
30 valid and bind all parties concerned, notwithstanding any error or defect committed in or with regard to such roll, or any defect, error or mis-statement in the notice required by section twenty-six (26) of this Act, or omission to deliver or transmit such notice.

## 35 APPEAL FROM COURT OF REVISION.

**39.** If a person be dissatisfied with the decision of the court of revision, he may appeal therefrom, in which case.

(1.) He shall within one week after the decision, in person or by attorney, serve upon the clerk of the city a written notice of his intention to appeal to the said County Court Judge.

(2.) The judge shall appoint a day for hearing the appeal, notice of which shall be given to the clerk. 5

(3.) The judge shall hear the appeal and any evidence adduced upon oath at the time and place appointed in a summary manner, and may adjourn the hearing from time to time and defer judgment therein at pleasure.

(4.) The city clerk shall on any appeal from the decision of 10 the court of revision, produce before the judge at the time and place appointed for hearing the appeal, the assessment roll and all papers and documents in his possession in any way affecting the matter.

#### LEVYING RATE.

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**40.** The council of the city shall, in each and every year, after the final revision of the assessment roll, pass a by-law for levying a rate or rates on all the real and personal property on the said roll to provide for all the necessary expenses of the city, as well as the payment of all such sum or sums of money 20 as the said city shall have undertaken or be liable for during the current year in respect of any debenture or other debt or obligation, and, including such sums as may be required for school purposes within the city, by the trustees thereof, and the said trustees shall, in each and every year provide the clerk of 25 the city with an estimate of the sum required by them for school purposes with the names, so far as known, of the persons liable to be assessed for the support of such schools, provided always that the rate to be levied in any year, in addition to what is required for the payment of interest on outstanding 30 debentures and the amount required for a sinking fund therefor and for school purposes shall not exceed the sum of one cent in the dollar.

#### COLLECTION OF TAXES.

**41.** Upon and forthwith after the said final revision of the 35 assessment roll and the passage of said by-law, the clerk of the city shall make out a tax roll or rolls in which he shall enter all

the land and taxable property in the said city, which shall contain columns for all the information required by this Act or otherwise by law to be entered therein. The said roll shall be in two parts, and the first part which may be called the "Resident Roll," he shall set down, alphabetically arranged, the name in full of every person assessed and the assessed value of his real and personal property as ascertained after said final revision, and he shall calculate, and opposite the said assessed value therein described of each respective person he shall set down in separate columns headed with the name or object of each rate, or otherwise as the case may require, the amount for which the person is chargeable for each purpose respectively and the total amount required to be collected from or paid by such person on the assessment of that year for all purposes for which a levy is required to be made in the city, and every rate the proceeds of which are required by law or by the by-law imposing it to be kept distinct and accounted for separately shall be so entered and calculated separately; and, in the second part which may be called the "Non-Resident Roll," he shall set down and enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of each lot, part of lot or parcel as ascertained after said revision, and he shall enter opposite to each lot or parcel all the rates or takes with which the same is chargeable in the same manner as is provided for the entry of rates and taxes in said first part or "Resident Roll."

**42.** The said tax roll shall also have a column in which shall be entered any arrears of taxes due on or in respect of any land or other property in the city and said arrears shall be set down opposite the name of the person, or in the non-resident roll opposite the land liable therefore; and these arrears of taxes shall be such as shall have been furnished to the clerk of the city by the collector or such as the city clerk shall himself be otherwise aware of from the books or other accounts in his office or possession as such clerk, as being legally due on or in respect of any land or property in said roll.

**43.** When the said roll is completed both parts shall be given to and remain in the hands of the tax collector for collection.



**44.** On receiving said tax roll the collector shall forthwith transmit by mail, (registered) a notice containing a statement and demand of taxes to each person whose name appears on said resident roll, or to the agent of such person if absent and he knows the name of such agent and to each person on the non-resident roll or his agent if he knows the address of such person or agent, and such statement and demand shall mention the time when such taxes are required to be paid and what discount (if any) will be allowed for prompt payment of the same, and the said collector shall enter the date of mailing such notice in said tax roll opposite the name of the person taxed, and such entry shall be *prima facie* evidence of the mailing of the same. 5

(1.) On the back of each such notice there shall be printed a brief summary of the principal provisions of the "Agriculture Statistics and Health Act, 1883," or of any amendments thereto as regards the duties of the general public in reference to the registration of births, marriages and deaths in such form as from time to time may be prepared by the Inspector of Agriculture Statistics and Health under the provisions of section sixty (60) of the "Agriculture Statistics and Health Act, 1883," or any amendments thereto. 15 20

**45.** He shall also give notice by bills posted in public and conspicuous places in the city or by advertisement in at least one newspaper published therein in such a manner as the council may direct in respect to the time and place of payment of such taxes and such other general particulars as are contained in the notice of demand aforesaid. 25

**46.** In case any person resident in the city, or who being a non-resident shall have required his name to be placed on said assessment roll, and who personally, or by his duly authorized agent resident in the city, shall have been served with or shall have received such statement, neglects to pay his taxes for thirty days after such demand, as aforesaid, the collector may by himself or his agent levy the same with costs by distress and sale of the goods and chattels of the person who ought to pay the same or of any of his goods or chattels in his possession or in the possession of any person for him, wherever the same may be found within the city, and the costs chargeable shall be those the council may by by-law or regulation allow for the same. 30 35 40

**47.** Notice shall be given by posters posted up in at least three of the most public places in the city, and by advertisement in at least three issues of one or more newspapers published therein, when and where the sale of goods and chattels  
5 distrained is to be made—giving at least eight days' public notice of sale and of the name of the person whose property is to be sold—and at the time named in the notice, the collector or his agent shall sell at public auction the goods and chattels distrained, or of so much thereof as may be necessary ; but  
10 such goods and chattels or any other description of property so publicly sold for taxes, shall be exempt from auction duty.

**48.** If the goods and chattels seized are sold for more than the whole amount of the assessment levied for, and the costs attending the seizure and sale, the surplus, on demand, shall  
15 be returned to the person in whose possession such goods and chattels were when the seizure was made, and in case said surplus shall not be demanded it shall be paid over by the collector to the treasurer and remain in the hands of the said treasurer to be held for and paid over on demand to the person  
20 in whose possession said goods and chattels were as aforesaid, or otherwise to the person entitled as owner of said goods and chattels to said surplus, provided that it is so demanded within six years, after which time it shall not be recoverable from the city.

**49.** All assessments imposed under this Act shall be due  
25 and payable, not only by the owner of the property upon which they are imposed, but also by the possessor or occupant of the said property, and by the tenant or lessee of such property to the extent to which the possessor, occupant, tenant, or lessee is  
30 indebted to such owner ; and the payment of such assessment by any such person shall discharge the property *pro tanto*.

**50.** If any of the taxes mentioned in the tax roll remain unpaid, and the collector is not able to collect the same, he shall show on said roll when returned, opposite to each assess-  
35 ment or by a statement appended to said roll, the reason why the same could not be collected, by adding the words "Non-resident," or "Not sufficient property to distraint," *as the case may be*.

**51.** The taxes accrued on any land shall be a special lien on such land having preference to any claim, lien, privilege or encumbrance of any party except the Crown, and shall not require registration to preserve it.

**52.** The collector shall not receive any part of the taxes 5 charged against any parcel of land unless the whole of the arrears then due is paid, except as provided for in section 49 of this Act, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on 10 which taxes are due has been sub-divided, he may receive the proportionate amount of taxes chargeable upon any of the sub-divisions, and leave the other sub-division chargeable with the remainder.

**52. (a.)** The council may by by-law, make the taxes pay- 15 able by instalments at such times as they may think proper and fix and allow a discount for prompt payment of such instalments.

**53.** The collector on demand, during the time in which he shall have the tax roll in his possession, shall furnish or give to 20 the owner of any land charged with arrears of taxes, a written statement of the arrears at that date; and he may charge a fee of twenty-five cents for furnishing such statement if it does not contain more than five lots or parcels, and a further fee of ten cents for every additional ten lots or parcels; but he shall not 25 make any charge for search or statement to any person who forthwith pays the taxes; provided that no more than two dollars shall be charged for any statement.

**54.** The tax collector shall be the collector of all the assessments imposed within the limits of the city. 30

#### SALE OF LANDS FOR TAXES.

**55.** Whenever a portion of the tax on any land has been due two years, whether levied before or after the passing of this Act the collector shall, submit to the mayor a list in duplicate of all the lands in his books belonging to the city, the 35 non-resident or other taxes on which he is authorized to collect and liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the

same, and the mayor shall authenticate each such list by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the city, and the other shall be given to the treasurer, with a warrant  
 5 thereto annexed, under the hand of the mayor and the seal of the city, commanding him to levy upon the land for the arrears due thereon with costs.

**56.** The said treasurer shall not sell any lands which have not been included in the lists furnished him as aforesaid.

**57.** The treasurer shall prepare a copy of the list of lands to be sold, as authorized by this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and the sum of twenty-five cents for each parcel advertised for sale and shall cause  
 15 such list to be published for four weeks in the *Manitoba Gazette* and once a week for four successive weeks immediately preceding the day of sale therein named, in at least one daily newspaper published in the city.

**58.** Where the title to any land sold for arrears of taxes is  
 20 vested in the Crown, the deed therefor, in whatever form given vested shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognize or admit that any person or persons possesses or possess under any color of right whatever, and the city in case of any sale for  
 25 taxes being declared invalid, shall be liable only for the purchase money actually paid therefor to the treasurer and legal interest thereon as for damages or otherwise.

**59.** The advertisement shall contain a notification, that unless the arrears of taxes and costs are sooner paid, the treasurer  
 30 will proceed to sell the lands for taxes on a day and at a place named in the advertisement.

**60.** Every such notice shall specify the place, day and hour at which such sale will commence; each lot or parcel of land shall be designated therein by a reasonable description for  
 35 registration purposes.

**61.** All the lots thus liable for sale in the city shall be included in the same statement and in the same notice; but any

neglect or omission to include any land liable for sale in said list shall not be held to prevent the sale of the said land on any future occasion for all arrears of taxes that may be due thereon

**62.** The day of sale shall not be more than forty days after the first publication of the list, and the sale shall take place at such place in the city as the council shall from time to time by resolution or by-law appoint, and in the absence of such appointment, at such place in the city as the mayor in his said warrant shall name. 5

**63.** The treasurer shall post up in some convenient and conspicuous place in his office a copy of such tax sale advertisement. 10

**64.** The treasurer shall, in each case, add to the arrears of taxes published his charges and the cost of publication.

**65.** If, at any time appointed for the sale of the lands, no bidders appear, the treasurer may adjourn the sale from time to time, provided always that no such adjournment shall be for a period exceeding fourteen days. 15

**66.** At the place, day and hour appointed for the sale of the lands, and if the taxes thereon, including the costs and charges, have not been previously paid or collected, the treasurer shall offer the lands for sale by public auction, and in doing so shall make and declare the amount stated in the list or advertisement as the taxes due, together with his charges and cost of publication the upset price on each respective lot or parcel as offered for sale, and shall then sell the same to the highest bidder, or to such person as shall be willing to take it at the said upset price, there being no higher bidder, but subject to redemption as hereinafter provided for. 20 25

**67.** If the land will not sell for the full amount or arrears of taxes due and all charges, the treasurer shall then and there sell for any sum he can realize, and shall accept such sum as full payment for such arrears of taxes, but the owner thereof shall not be relieved thereby from any liability in respect of any deficiency arising from such sale; nor shall such owner of any land so sold be at liberty to redeem the same except upon payment to the treasurer of the full amount of taxes due, together 30 35

with the expenses of sale, with ten per cent thereon, and the treasurer shall account to the city for the amount realized in such case over and above all charges and the cost of publication, and in the event of redemption as aforesaid to the tax purchaser for the amount of his purchase money only, with ten per cent thereon.

**68.** If the land sells for a greater sum than the taxes due, together with all charges thereon, the purchaser shall only be required to pay at the time of sale the amount of said taxes, and charges, and the balance of the purchase money shall be payable within one calendar month after the time of redemption of said land shall have expired, without the same having been redeemed within the time limited, and if the said balance of purchase money shall not be so paid by the purchaser, his heirs or assigns, within the time above prescribed, he and they shall forfeit all claim to said land, and to any deed or conveyance thereof, as well as the amount paid at time of sale, and said land shall thereupon cease to be affected by said sale as if it had been duly redeemed.

**69.** If the purchaser of any parcel of land fails immediately to pay the treasurer, on account of said purchase, the amount claimed for arrears of taxes and charges, or such lesser sum as he may have purchased for, the treasurer shall forthwith again put up the property for sale.

**70.** The treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, describing the land as advertised, the interest therein sold, the sum for which it had been sold and all the expenses of such sale; and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, will be executed by the mayor and treasurer, on his or their demand, within one month after the expiration of one year from the date of the certificate, if the land be not previously redeemed, and upon payment of the balance of purchase money remaining over and above the amount paid at the time of sale, and upon payment of the treasurer's fee of two dollars for said deed.

**71.** The purchaser shall, on receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have

all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed.

**72.** The statement of the land so sold for arrears of taxes, with the names of the respective purchasers, the date of sale, the time for redemption, and amount required to redeem, shall, within thirty days from the date of sale, or adjourned sale, be made out by the treasurer, who shall sign and cause to be affixed the corporate seal, and transmit the same to the city registrar, who shall enter in a book, to be kept by him for the purpose, and shall file said statement in his office, after endorsing thereon the date of its receipt.

**73.** Whenever any parcel of land is redeemed, the treasurer shall forthwith mail and register, or deliver to the city registrar a certificate under his hand and cause to be affixed the corporate seal as aforesaid, stating the fact of such redemption, the date thereof, and name and address of the person by whom and for whom the redemption was paid, and upon receipt of such certificate the registrar shall enter the same in a book to be kept for that purpose, and shall write, against the entry of the lot mentioned therein in the proper book, the word "redeemed," with the date of redemption as given in the certificate, and of the said entry thereof, in a column in said book reserved for the purpose, and shall file said treasurer's certificate of such redemption with the original statement of sale.

**74.** The book in which such statement shall be copied shall be called the "Tax sale book of the City of Winnipeg."

**75.** The registrar shall be entitled to a fee of twenty-five cents for each search as to any respective lot or parcel of land to ascertain if the same has been sold for arrears of taxes, as shown by the entry in any such tax sale book, and an additional sum of twenty-five cents for a certificate as to such sale or otherwise, or as to such redemption, if made, or for an inspection, if required, of the said statement, and certificate of redemption, if any on file, as to the sale and redemption or otherwise of any lot or parcel of land, and where a certificate is given as to any parcel of land having been sold for taxes, it shall give the amount required for redemption, the name and

address of the purchaser, or the person who redeemed, and the date of sale and of redemption, in case it shall appear to have been redeemed.

**76.** The form for the statement of tax sale above mentioned, and the form of certificate of redemption to be sent to the registrar as aforesaid, may be according to the forms in schedule A of this Act.

**77.** The books in which said statement shall be entered by the registrar shall have additional columns for the further entries required, which may be headed according to the form given in schedule A of this Act.

**78.** The owner of any land which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns, or any other person on his or their behalf, but in his name only, may at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the treasurer before the hour of three o'clock in the afternoon of said last day, for redemption, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per cent. thereon, and the treasurer shall give the party paying such redemption money a receipt, stating the sum paid and the object of payment, and the name of the person on whose behalf such payment is made, and such receipt shall be evidence of the redemption. For the purpose of this Act, the day of sale shall be the day on which the sale was advertised to take place, without reference to any adjournment or adjournments.

**79.** From the time of payment to the treasurer of the full amount of redemption money required by this Act, all rights and interests of the purchaser shall cease.

**80.** Whenever any such redemption is effected by a person not specially authorized, the treasurer shall mention in a receipt given by him for the redemption money, the name and designation of the person paying the same, and the name of the person on whose behalf such payment is made; and every such receipt shall be made in triplicate; one of which shall be delivered to the person paying the redemption money, one shall remain on record in the office of the treasurer, and the third shall be



transmitted to the Registrar as hereinbefore provided. The Treasurer immediately after the redemption of any land shall give notice by registered letter to the party appearing on his books as the purchaser of the same apprising him of the fact of such redemption and of the amount of money paid in for such purpose, and the treasurer shall be allowed to deduct from such redemption money the sum of twenty-five cents for each parcel of land redeemed for such notice. 5

**81.** If the land be not redeemed within the period allowed for its redemption by this Act, then on the demand of the purchaser, his heirs or assigns, or other legal representatives, at any time within one month after the expiration of the time limited for redemption, upon payment of the balance of purchase money, as aforesaid, and of the further sum or charge of two dollars, the treasurer shall prepare and execute with the mayor, and deliver to him or them a deed, in duplicate, of the land sold. 15

**82.** Such deed shall be in the form or to the same effect as the form given in Schedule A of this Act and shall state the date and cause of sale, and the price, and shall have the effect of vesting the land in the purchaser, his heirs, or assigns, or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold; and no such deed shall be invalid from any error or miscalculation in the amount of taxes or interest therein in arrear. 25

**83.** Such deed of sale shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than any existing lien of the city. And whenever lands are sold for arrears of taxes, and the mayor and treasurer have given a deed thereof, such deed shall, notwithstanding any informality or defect in, or preceding such sale, be valid and binding to all intents and purposes, except as against the Crown, if the same has not been questioned before some court of competent jurisdiction, by some person interested in the land so sold, within one year from the execution of such deed, provided that any taxes shall have been due on said lands at the time of the sale, and that the *bona fide* holder 30 35

of the title when questioned as aforesaid, shall not have been guilty of or knowingly a party to any fraud against the provisions of this Act, or in connection with the sale, transfer, or assignment of said land.

5 **84.** The treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed, and shall enter in a book the amount received over the taxes, and all charges from the purchaser of any lot or parcel of land sold by him against such  
10 lot or parcel, and the date of sale and receipt of said balance, and the aggregate amounts so received shall form a distinct fund to be called "Tax Sales Fund," and the treasurer shall, in the month of January in each year, furnish a statement to the council giving the amount of and other particulars respect-  
15 ing said fund; and whenever any portion of said fund shall have remained in the hands of the treasurer for six years from the day of sale of the land of which it formed part of the purchase money, without any notice of claim or order for payment having been served on him as hereinafter provided, said por-  
20 tion or sum so remaining unclaimed shall become forfeited, and thereafter be the absolute property of the city, and shall forthwith thereafter be transferred to the sinking fund account of the city and form part thereof, and the said city shall forever be discharged from any claim on account thereof.

25 **85.** Any person claiming to have been the owner, heir, assignee or legal representative of the owner of any parcel of land sold for taxes and conveyed as aforesaid, which shall have realized more than the amount due for taxes, and all charges, or otherwise interested in such land, shall be entitled to claim  
30 and receive the said overplus or sum held to the credit of said parcel of land in the "Tax Sales Fund," or any portion thereof specified in the order hereinafter mentioned, provided that a written notice of such claim is served upon the treasurer previous to the time limited for its forfeiture; and upon producing  
35 and leaving with said treasurer within six months from the date of service of such notice or claim, an order signed by a Judge of the Court of Queen's Bench, reciting or declaring that it had been proved to the satisfaction of said judge that the claimant was at the time of sale the lawful and proper owner of the land  
40 in respect to which the claim is made or was or is the heir,

executor, assignee or personal legal representative (or guardian, in cases of infancy) of said owner or otherwise interested in such land, and requiring the city to pay the said surplus purchase money or the portion thereof specified in such judge's order, to the order of said claimant, and such or any judge's order for payment of any part of said "Tax Sales Fund" shall be kept by the city and shall be the warrant and authority for making such payment. 5

**86.** In seeking to obtain a judge's order, any claimant upon said fund shall in person or by attorney petition the judge in 10 writing for that purpose, describing the land sold and setting forth the particulars of the sale and the title under which said money is claimed, and shall at the same time furnish an abstract of the title, to said land signed by the registrar of the deeds of the city and produce such title-deed, or other evidence 15 as may be required for proving said title or his interest in such land to the satisfaction of said judge; and the facts set forth in said petition shall be verified by affidavit sworn or affirmed before some person duly authorized to administer oaths or take affirmations in suits or proceedings pending in the Court of 20 Queen's Bench of this Province so far as it may be necessary to the satisfaction of the judge as to the *bona fide* nature of the claim, and the said judge may, in his discretion, require the claimant to serve a notice of his said application upon the corporation or publish a notice of his claim or substantiate his 25 title in any other manner that said judge may deem proper; and he may also in his discretion, order the money to be paid into the Court of Queen's Bench, Equity side, in case he shall consider it proper in the interest of an infant or infants or other claimant or of any other person not being a claimant, to do so; 30 and in such case a copy of his order shall be filed in said court, and shall state the reason why the order was so made, and said money shall then be dealt with by said last mentioned court in the same manner as other monies of minors or infants in dispute in any cause or suit, or otherwise, as the said court 35 shall consider just and equitable.

**87.** The same fees shall be paid upon any application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or proceeding, and, if the judge shall think it advisable to 40

order the money to be paid into the Court of Queen's Bench in Equity, or otherwise than into the hands of any claimant or his attorney, he may, in his discretion, order such fees or the proper costs of the claimant of the corporation or any part thereof to be taken from and paid out of the money which formed the subject of the claim; and in all cases where a claimant shall fail to obtain an order for payment upon the city pay the costs of the proceedings and in default of payment to order execution to issue therefor out of the court in which such proceedings shall have been taken.

**88.** The fact of claiming any surplus held to the credit of any lot sold for taxes in said tax sales fund shall be considered as an admission of the validity of the sale of the lot in question by the claimant, and the said claimant and all claiming by, through or under him shall, from and after the time of making said claim, be debarred from taking any proceeding in law or equity, to question or set aside said sale, notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale, and said sale shall thereafter be held to be in all respects valid and binding as against the said claimant and those claiming by, through or under him as aforesaid.

**89.** In case of any suit or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the time of said sale, being the time within which any action can be brought or any proceeding taken for that purpose, the plaintiff in any such suit or proceeding shall within ten days after the filing of any bill or the issue of any writ of summons or ejectment, cause the treasurer to be notified in writing of the fact of such suit or proceeding having been commenced, and the treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute, but shall hold the same subject to the order of any judge or court before whom said suit or proceedings shall or may be tried; and in case the plaintiff succeeds, the said judge or court shall order the said surplus to be repaid to the defendant, tax purchaser or his proper representatives, and in case the plaintiff fails in such suit or proceeding to set aside said sale, but proves to the satisfaction of the judge or court that he was at the time of such sale the lawful owner of said land, and the

person entitled to the said surplus purchase money according to the true intent and meaning of this Act, then in such case the said court or judge shall order said surplus to be paid over to said plaintiff, or his legal representatives, upon and after payment by said plaintiff of such of the defendant's taxed costs of defence of said suit or proceedings as the plaintiff shall have been ordered to pay. 5

#### VOTERS' LIST.

**90.** The clerk of the city shall immediately after the final revision and correction of the assessment roll in every year make a correct alphabetical list of all male persons being of the full age of twenty-one years and subjects of Her Majesty by birth or naturalization and appearing by the assessment roll to be entitled to vote in the city at municipal elections and elections for members of the Legislative Assembly, prefixing to the name of each person his number upon the roll. 10 15

**91.** The said list shall give the names of the voters in each polling sub-division or ward in the city separately and shall be in the form as nearly as may be given in schedule A to this Act. 20

(1.) As to any ward which lies partly in the electoral division of Winnipeg North and partly in the electoral division of Winnipeg South, the clerk of the city shall make up the voters' list of such wards in two parts, one specifying the names of those entitled to vote in one of such electoral divisions, and the other the names of those entitled to vote in the other of such electoral divisions. 25

**92.** If the qualification of any such person is in respect of real property, the clerk shall, opposite the name of the person, insert in the proper column of the voters' list, the number of the lot or other proper description of the real property in respect of which such person is qualified. 30

**93.** Whenever it appears by the assessment roll that any person is assessed for property within the city sufficient to entitle him to vote, but that it lies partly within the limits of one of such sub-divisions or wards and partly within another or others, the clerk shall enter his name on the list of voters in 35

each and every sub-division in which any part of such property is situated, with the following words added ; "*See Sub-division or Ward No.* ."

**94** An assessment roll shall be understood to be finally revised and corrected, when it has been so revised and corrected by the court of revision for the city or by the judge as hereinbefore provided in case of an appeal, as provided in the assessment clauses of this Act, or when the time during which such appeal may be made has elapsed, and not before.

**95.** Immediately after the clerk has made the said alphabetical list, and within thirty days after the final revision and correction of the assessment roll, the clerk of the city shall give immediate public notice, either by printed posters or by advertisement once a week for four weeks in not less than one newspaper published in English and one in the French language, if published in the city, that the said list has been completed, and that the same shall be kept in his office for thirty days from the first publication of such notice, for the examination by all concerned, and any person who shall claim to be added to the said "voters' list," or any elector who shall desire to have any name erased therefrom, shall prefer his request in writing signed with his name, stating the ward to which he belongs, and shall deliver or cause the same to be delivered to the city clerk, within the time hereinbefore specified.

**96.** The said list of voters shall be subject to revision by the judge of the County Court having jurisdiction in the City of Winnipeg, at the instance of any voter or person entitled to be a voter in the city, on the ground of the names of voters being omitted from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote, and upon such revision the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the court of revision, or had or had not been determined by that court, or on any appeal therefrom ; and the decision of the judge under this Act, in regard to the right of any person to vote, shall be final as far as regards such person.

**97.** A complaint or appeal may be made on the ground of any person whose name is entered on the list being one of

those who are disqualified or incompetent to vote under the provisions of this Act, and may be in the form set forth in Schedule A of this Act.

**98.** If any person, whose right to be a voter is the subject of the enquiry, does not attend in obedience to a subpoena or order issued as hereafter mentioned, the judge, if he thinks fit, in the absence of satisfactory evidence as to the ground of such non-attendance of such person or his agent, or as to the right of such person to be a voter, may, on the ground of the non-attendance of such person strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person, according to his discretion, or do both. 5 10

**99.** Any voter or person entitled to be a voter making any complaint of any error or omission of the said list shall, within thirty days after the clerk of the city has posted up the said list in his office, give to the clerk or leave for him at his residence or place of business, notice in writing of his complaint and intention to apply to the judge in respect thereof; and if the office of clerk is vacant by reason of death or resignation or from any other cause, such notice may be given in like manner to the head of the council of the city, and the proceedings thereafter by the clerk, judge and parties respectively, and the respective powers and duties of the judge, clerk and other persons, shall be the same, or as nearly as may be the same, as in the case of an appeal from the court of revision. 20 25

**100.** Any number of names may be inserted in one subpoena or judge's order, in case of complaint.

**101.** In case no complaint respecting such list is received by the clerk of the city within thirty days after he has posted up the said list in his office, the said clerk shall forthwith apply either in person or by letter, to the judge to certify the list so having been posted up as being the revised list of voters for the city, and the certificate of the judge shall be according to the form given in schedule A of this Act. 30 35

**102.** In case complaints are made as aforesaid then immediately after the list has been finally revised and corrected by the judge, he shall certify to such corrected list, and shall

sign a statement setting forth the changes, if any, which he has made in the list; said statement and certificate may be in the form given in schedule A to this Act.

**103.** Immediately after the final revision and correction of the voters' lists the clerk shall cause at least two hundred copies of each list to be printed (in pamphlet form), and forthwith shall cause one of such printed copies to be posted up, and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post, by registered letter, or by parcel or book post registered, two copies to each of the following persons:

(a.) The judge of the County Court having jurisdiction in the city.

(b.) Every member of the city council.

(c.) The member or members of the House of Commons for the city or the electoral districts in which the same or any part thereof lies.

(d.) The members of the Legislative Assembly for the city or any part thereof.

(e.) Every candidate for whom votes were given at the last election of a member of the House of Commons and Legislative Assembly respectively, and ten for the Clerk of the Executive Council.

#### MISCELLANEOUS PROVISIONS.

**104.** In all proceedings before the judge under this Act, the judge shall have, with reference to the matter herein contained, all the powers which belong to or might be exercised by him in the county court.

**105.** The judge shall have power to appoint some proper person to attend at the sittings of the court as a constable or bailiff, and the duties and powers of such person thereat shall be as nearly as may be the same, as those of the bailiff of a county court at a sitting of a county court and in reference



thereto ; and the expense of the person so appointed and attending shall be borne by the city, and shall include such allowance for loss of time and trouble as may be certified by the judge to be reasonable ; and the amount certified by the judge shall be paid to such person by the treasurer of the city upon the production and deposit with him of the judge's certificate.

**106.** The clerk of the city shall be subject to the summary jurisdiction and control of the county judge in respect of the performance of his duty under this Act, in respect to every act required to be performed by such clerk touching the voters' list, in the same manner as officers of the county court are to the court ; and the clerk shall receive reasonable compensation for the services performed.

**107.** The court for the revision and correction of the voters' lists for the city shall be held in the court house or in such other place within the city as the judge may deem suitable.

**108.** The judge shall be paid the sum of five dollars for every day's actual and necessary attendance at such court whilst engaged in the revision of said lists ; and such payment and all other charges (not otherwise hereinafter provided for) necessary to be incurred in connection with the holding and proper conduct of the business of the court, shall be paid by the treasurer of the city upon the certificate or voucher of the judge as to the service performed, and in cases other than as to his own fees, as to the nature of the necessity for the service performed.

**109.** In all disputed cases coming before said judge in connection with the revision and correction of the said lists, and in all cases where an application is dismissed as being unwarranted, or where the judge shall consider that the ground of application was known and that the purpose of such application might have been accomplished otherwise than through the medium of the court, and notwithstanding anything in this Act appearing to the contrary, the said judge may order the applicant or other person in the position of the respondent and being a party interested in the application before the court, or who has been made a party by the court and has failed to ap-

pear after due notice and is within jurisdiction of the court, to  
 pay a hearing fee of two dollars and such reasonable costs, if  
 any, as the judge may determine; and payment of such fees and  
 costs, or either, may be enforced by execution in the manner  
 5 herein provided for the recovery of any penalty, fine or costs  
 incurred or ordered to be paid under the provisions of this Act  
 as to said revision of voters' lists; but this clause shall not be  
 held to limit the power of the judge to deal with any applica-  
 tion or matter coming before him in said court in any other  
 10 matter mentioned in this Act, and this clause may be read as  
 supplementary to or explanatory of any other clause in this Act  
 of a similar character wherever it can be properly so construed  
 as so intended.

**110.** If the judge who holds a court believes or has good  
 15 reason to believe that any person or persons has or have con-  
 travened this Act, or that frauds in respect to the assessment or  
 voters' lists have prevailed extensively in the city, it shall be his  
 duty to report the same to the council, with such particulars as  
 to names and facts as he may think proper.

20 **111.** The judge shall have power to amend any notice or  
 other proceeding upon such terms as he may think proper.

**112.** If any appellant or complainant entitled to appeal,  
 dies or abandons his appeal or complaint, or having been on  
 the alphabetical list made and posted by the clerk as aforesaid  
 25 is afterwards found not to be entitled to be an appellant, the  
 judge may, if he thinks proper, allow any other person who  
 might have been an appellant or applicant to intervene and  
 prosecute such appeal or complaint, upon such terms as the  
 judge may think just.

30 **113.** In case of errors being found in the said voters' list  
 on the said revision thereof, whether such errors are in the  
 omission of names, the inaccurate entry of names, or the entry  
 of names of persons not entitled to vote, if it appears to the  
 judge that the assessors or either of them were or was culpably  
 35 responsible for any of the said errors, the judge shall order such  
 assessor or assessors either alone or jointly with any other per-  
 son, to pay all costs occasioned by the same; and in case of

error for which the clerk was to blame, the clerk, either alone or jointly with any other person, shall be charged with the costs; and in case of errors of the court of revision, the corporation shall, either alone or jointly with any person, pay the costs subject to any claim which the corporation may justly 5 have against the guilty parties; or the judge may order the assessor or assessors or corporation in any such case to pay the costs if any party fails to recover the same from any other party named and ordered to pay the same; and in all cases not herein provided for, the costs shall be in the discretion of the judge. 10

**114.** The judge's said order for the payment of costs shall be according to the form given in schedule A of this Act.

**115.** No costs shall be allowed on any proceeding under this Act, other or higher than would be allowed in the Queen's Bench under the lowest scale of costs in actions therein. 15

**116.** The only costs to which an appellant shall be liable shall be the witness fees, unless in a case of bad faith on his part.

**117.** The payment of any costs ordered to be paid by the judge may be enforced by an execution against goods and 20 chattels, to be issued from the county court having jurisdiction in the city of Winnipeg upon filing therein the order of the judge, and an affidavit showing the amount at which such costs were taxed and the non-payment thereof. The writ of execution may be according to the form given in schedule A of this 25 Act.

**118.** If any person not assessed, or not sufficiently assessed, is found entitled to vote, the corporation shall be entitled to recover taxes from him, and to enforce payment thereof by the same means and in the same manner as if he had been as- 30 sessed on the roll for the amount found by the judge; and the judge shall make an order, setting forth the names of the persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists; and such order shall be transmitted 35 to the clerk of the city, and shall have the same effect as if the

said particulars had been inserted in the roll; and the said order for the assessment of persons omitted from roll may be according to the form given in schedule A of this Act.

**119.** The times appointed for the performance, by the clerk of the city, of the duties required of him by this Act, shall be directory only to the said clerk; and the non-performance by him of any of the said duties within the times appointed shall not render null, void or in-operative any of the lists in this Act mentioned.

**120.** In case the clerk of the city fails to perform any of the duties aforesaid, any voter may forthwith apply summarily to the county judge or the junior or acting judge of the county court having jurisdiction in the city of Winnipeg, to enforce the performance of the same. The application to the judge against a delinquent clerk may be according to the form given in schedule A of this Act.

**121.** The application may also be made by any person entitled to be named as an elector on the list in respect of which the application is made.

**122.** The judge shall, on such application, by summons given under his hand which may be according to the form given in schedule A of this Act, require the clerk of the city, and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating thereto, or to the list in respect of which the application is made, and to submit to such examination on oath as may be required of him or them, and the judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purpose aforesaid.

**123.** If the clerk of the city omits, neglects or refuses to complete the voters' lists, or to perform any of the duties hereinbefore required of him by the voters' lists clauses of this Act, such clerk, for each omission, neglect or refusal, shall incur a penalty not exceeding two hundred dollars.

**124.** If the clerk of the city or any other person wilfully makes an alteration, omission or insertion, or in any way wil-

fully falsifies any such certified list or copy, or permits the same to be done, every such person shall incur and be liable to a penalty not exceeding two thousand dollars, or to be imprisoned in the common gaol of the district in which the city is situated for a period not exceeding six months, or both such fine 5 and imprisonment, in the discretion of the court.

**125.** No person shall wilfully or improperly make, execute, accept or become a party to any lease, deed or other instrument, or become a party to any verbal agreement, whereby a colorable interest in any house, land or tenement is conferred, 10 in order to qualify any person to vote at an election; and any person wilfully or improperly violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of one hundred dollars, and any person who induces, or attempts to induce another to com- 15 mit an offence under this section, shall incur a like penalty.

**126.** The penalties mentioned in the three next preceeding sections may be recoverable with costs of suit by any person suing for the same in any court of competent jurisdiction.

**127.** To prevent the creation of false votes where any per- 20 son claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be assessed, it shall be the duty of the assessor to make reasonable 25 enquiries before assessing such person.

**128.** Any assessor who wilfully and improperly inserts any name in the assessment roll, or assesses any person at too high an amount, with intent in either case to give any person not entitled thereto, an apparent right of voting at any election, or 30 who wilfully inserts any fictitious name in the assessment roll, or who wilfully and improperly omits any name from the assessment roll, or assesses any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent juris- 35 diction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, or to imprisonment

in the common jail of the Province, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the court.

**129.** The said voters' lists shall in all cases be finally revised and corrected on or before the first day of November in each year.

**130.** The judges of the county court having jurisdiction in the city of Winnipeg may frame rules and forms of procedure for the purpose of better carrying the provisions of this Act in respect to voters' lists into effect; and such rules and forms shall have the same effect and force as if they formed part of this Act.

**131.** The words householder (H), freeholder (F), and tenant (T), appearing on the assessment roll pursuant to the provisions of the assessment clauses of this Act shall, for the purposes of said provisions relating to voters' lists, be held to also mean respectively occupant (Oc), or tenant (T), and shall be so entered in the voters' list by the clerk of the city.

**132.** In carrying into effect the voters' list provisions of this Act the forms given in schedule A of this Act may be used, and the same or forms to the like effect shall respectively be deemed sufficient for the purposes mentioned in this Act.

#### BY-LAWS REQUIRING ASSENT OF ELECTORS.

**133.** The right of voting on by-laws requiring the assent of electors shall belong to the following persons, being males, of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, being rated to the amount of five hundred dollars as owners of real property on the revised assessment roll on which the voters' lists of the city are based, held in their own right or in the right of their wives.

(1.) After a by-law requiring the assent of the electors has passed its second reading and before the date of the submission of the same to the electors, the city clerk shall prepare a list of the persons who are entitled to vote on the proposed by-law in accordance with the preceding section.

(2.) In case a by-law requires the assent of the electors of the city before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for :

(3.) The council shall by a by-law fix the day, hour, and 5 places for taking the votes of the electors on the by-law to be submitted to them at the places at which the election of the members of the council is held, or such other places as may be designated in such by-law ; and shall also name returning officers to take the votes at such places, and such day shall not be 10 less than three nor more than four weeks after the first publication of the proposed by-law as herein provided for.

(4.) The council shall at least once a week for a month before the final passing of the proposed by-law, publish a copy thereof in some newspaper or newspapers published in the city. 15

(5.) Appended to each copy so published shall be a notice signed by the clerk of the council, stating that such a copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication in the newspaper, stating the date of the first publication, 20 and naming the hour, day and place or places, fixed for taking the votes of the electors :

(6.) At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof, including a recount shall be conducted in the same manner as nearly as may 25 be as at an election : for Mayor and Aldermen.

(7.) The ballot papers that shall be cast shall be printed "for the by law" or "against the by-law," and shall be marked by the voter voting by a cross on the right-hand side thereof opposite the words "for the by-law" or "against the by-law," 30 as he may desire to vote. Each deputy-returning officer for the various wards shall count the ballots and shall add up and verify the same and mark the return to the city clerk as in the case of an ordinary election for mayor and aldermen.

(8.) Upon receiving the returns for the several wards the 35 city clerk shall add up the names and if it shall appear from

such returns that the total number of votes cast for such by-law be a majority of the votes polled, the city clerk shall forthwith declare such by-law carried, otherwise he shall declare the by-law lost.

5 **134.** The council may, under the formalities required by  
this act, pass by-laws for contracting debts by borrowing  
money, or otherwise, and for levying rates for payment of such  
debts on the rateable property of the city for any purpose  
within the jurisdiction of the council ; but no such by-law shall  
10 be valid which is not in accordance with the following restric-  
tions and provisions.

(1.) The by-law shall name a day in the financial year in  
which the same is passed, when the by-law shall take effect,  
and the whole of the debts and the obligations to be issued  
15 therefor shall be made payable in thirty years at furthest from  
the day on which such by-law takes effect ;

(2.) The by-law shall specify the amount in addition to all  
other rates, to be levied in each year for paying the debt and  
interest ; which amount shall be sufficient to discharge the debt  
20 and interest when respectively payable ;

(3.) The by-law shall recite :— 1—the amount of the debt  
which such new by-law is intended to create, and, in some brief  
and general terms, the object for which it is to be created ; 2—  
The total amount required by this Act to be raised annually  
25 by special rate for paying the new debt and interest ; 3—The  
amount of the whole rateable property of the city, according to  
the last revised assessment rolls ; 4—The total amount of the  
existing debt of the city.

**135.** Every by-law for raising upon the credit of the city  
30 any money not required for its ordinary expenditure, and not  
payable within the same municipal year, shall, before the final  
passing thereof, receive the assent of the electors of the city  
in the manner provided for in this Act, and when such assent  
is received no such by-law shall be altered, amended or re-  
35 pealed by the council except as is hereinafter provided.



**136.** All debentures, and other securities duly authorized to be executed on behalf of the corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and signed by the mayor, and countersigned by the treasurer and auditor, or signed or countersigned respectively by some other person or persons authorized by by-law to sign or countersign the same, otherwise the same shall not be valid. 5

**137.** Any debenture issued under the formalities required by law by the corporation, payable to bearer or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name. 10

**138.** Any such debenture issued as aforesaid shall be valid and recoverable to the full amount, notwithstanding its negotiation by such corporation at a rate less than par. 15

**139.** In any case of passing a by-law for contracting a debt by borrowing money for any purpose, or otherwise as provided by this Act, such by-law may make the principal of such debt re-payable by annual instalments, during the currency of the period (not exceeding thirty years) within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable at principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the corporation for the amounts and payable for the times corresponding with such instalments, together with interest annually or semi-annually, as may be set forth and provided in such by-law. Such by-law shall specify the amount to be raised in each year, during the period of the currency of the debt, which shall be sufficient to discharge the several instalments of principal and interest accruing due on said debt, as the said instalments and interest become respectively payable according to the terms of said by-law, and in cases within this section it shall not be necessary that any provision be made for the creation of a sinking fund. 20 25 30 35

**140.** In case in any particular year one or more of the following sources of revenue, namely: 1. The sum raised by the special rate imposed for the payment of a debt and collected for any particular year: and (2), the sum on hand from  
 5 previous years; and (3), any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the sinking fund of the debt, and (4), any sum derived from the temporary investment of the sinking fund of the city, or of any part of it, and carried to the  
 10 credit of the special rate and sinking fund accounts, respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest and the instalment of the debt for the particular year and leave a surplus to the credit of such accounts, or either of them, then the council may  
 15 pass a by-law reducing the total amount to be levied under the original by-law for the following year, to a sum not less than the difference between such last mentioned surplus and the annual sum, which the original by-law named and required to be raised by special rate.

**141.** Such by-law shall not be valid unless it recites: 1. The amount required by the original by-law to be raised annually; 2. The balance of such amount for the particular year, or on hand from former years; 3. The surplus income of the work, share or interest therein received for such year; and  
 20 4. The amount derived for such year from any temporary investment of the sinking fund; nor unless the by-law names the reduced amount to be levied under the original by-law in such following year.

**142.** In case the council desires to make an anticipatory  
 30 appropriation for the next ensuing year, in lieu of the special rate for such year, in respect of any debt, the council may do so by by-law in the manner, and subject to the provisions and restrictions following:

(1.) The council may carry to the credit of the sinking fund  
 35 account of the debt as much as may be necessary for the purposes aforesaid. (a.) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appro-

priation is made ; (b) and of any money raised for the purpose aforesaid, by additional rate or otherwise ; (c) and of any money derived from any temporary investment of the sinking fund ; (d) and of any surplus money derived from any corporation work or any share or interest therein ; (e) and of any un- 5 appropriated money in the treasury ; such moneys respectively, not having been otherwise appropriated ;

(2.) The by-law making the appropriations shall distinguish the several sources of the amount and the portions thereof to be respectively applied for the interest and for the sinking fund 10 appropriation of the debts for such next ensuing year ;

(3.) In case the moneys so retained at the credit of the special rate account and so appropriated to the sinking fund account from all or any of the sources above mentioned are sufficient to meet the sinking fund appropriation and interest 15 for the next ensuing year, the council may then pass a by-law directing that the original amount for such next ensuing year be not levied.

**143.** Such by-law shall not be valid unless it recites :

(1.) The original amount of the debt and in brief and general 20 terms the object for which the debt was created ;

(2.) The amount, if any, already paid of the debt ;

(3.) The annual amount of the sinking fund appropriation required in respect of such debt ;

(4.) The total amount then on hand of the sinking fund ap- 25 propriation in respect to the debt distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ;

(5.) The amount required to meet the interest of the debt for the next year after the making of such anticipatory appro- 30 priations ;

(6.) That the council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next

year's interest, (naming the amount of it) and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year.

5 **144.** The council shall keep in its books two separate accounts, one for the special rate and one for the sinking fund or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and  
10 shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for payment thereof.

**145.** If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt,  
15 or in payment of any instalment of principal for any financial year there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain and may be applied if necessary towards the next year's interest, but if such surplus  
20 exceeds the amount of next year's interest the excess shall be carried to the credit of the sinking fund account, or in payment of the principal of such debt.

**146.** The Lieutenant-Governor in Council may upon proper cause being shown order and direct that such part of the  
25 proceeds of the special rate levied and at the credit of the sinking fund account, or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same shall accrue, be applied to the payment or redemption at such value as the council can agree  
30 upon of any part of such debt, or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the council shall thereupon apply and continue to apply such part of the proceeds of the special rate at the credit of the sinking fund or special rate accounts as directed by such order.  
35

**147.** The council may appropriate to the payment of any debt the surplus income derived from any public or corporation

works or from any share or interest therein after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by an additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalments ac- 5  
cruing due.

**148.** The city having surplus moneys may by by-law invest the same in a loan or loans to any board or boards of school trustees within the limits of the city for such term or terms, and at such rate or rates of interest as may be agreed upon by and 10  
between the parties to such loan respectively, and set forth in such by-law.

#### POWERS OF COUNCIL TO PASS BY-LAWS.

**149.** The council may pass by-laws :

(1.) For lighting the city, and for this purpose perform any 15  
work and placing any fixtures that are necessary on private property, making due compensation therefor as may be agreed upon or failing agreement to be fixed by arbitration ;

(2.) For laying down gas and water pipes in any street and opening streets for the purpose, and of taking up and repairing 20  
such pipes, and for using every power and privilege given to any gas or water company incorporated in the city, as if the same were specially given by this Act, subject, however, to the provisions herein, contained, as to the erection of gas or water-works, and levying rate therefor ;

(3.) For providing for the inspection of gas meters ;

(4.) For providing for the appointment of three commissioners for entering into contracts for the construction of gas and water works; for superintending the construction of the same; for managing the works when completed; and for providing 30  
for the election of the said commissioners by the electors, from time to time, and at such periods, and for such terms as the council may appoint by the by-law authorizing the election, and for the purchasing or acquiring any system of water works now in existence or operation ;

(5.) For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor; and to form an equal yearly sinking fund, for the payment of the principal within such time as shall not exceed thirty years, nor be less than ten years;

(a.) No by-law under the last sub section shall be passed, firstly, until estimates of the intended expenditure have been published once a week for one month, and notice of the time appointed for taking a poll of the electors on the proposed copy of the proposed by-law at length, as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published once a week for one month in some newspaper in the city; nor secondly, until at a poll held in the same manner and at the same places, and continued for the same time as at elections for aldermen, a majority of the electors voting at the poll in favor of the by-law; nor thirdly, unless the by-law is passed within three months after holding said poll;

(b.) If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors for a period of three months;

(c.) In case there be any gas or water company incorporated for the city, the council shall not levy any gas or water rate until such council has by by-law fixed a price to offer for the works or stock of the company. Nor until thirty days have elapsed after notice of such price has been communicated to the company without the company having accepted the same, or having under the provisions of this Act as to expropriation, named and given notice of an application to have commissioners appointed to determine the price, nor until the price accepted or awarded has been paid or has been secured to the satisfaction of the company;

(6.) For enforcing the due observance of the Sabbath according to law;

(7.) For preventing the sale or gift of intoxicating drinks to a child or apprentice, without the consent of a parent, master, or legal protector;

(8.) For preventing the posting of indecent placards, writings of pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places within the limits of the city :

(9.) For preventing vice, drunkenness, profane swearing, obscene, blasphemous, or grossly insulting language, and other immorality and indecency on any of the streets or in any public place within the limits of the city ; 5

(10.) For suppressing disorderly houses and houses of ill-fame ; 10

(11.) For preventing or regulating horse racing ;

(12.) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement ;

(13.) For suppressing gambling houses, and for seizing and 15 destroying faro-banks, rouge-et-noir, roulette tables, and other devices for gambling found therein ;

(14.) For restraining and punishing vagrants, medics, and persons found drunk or disorderly in any street, highway or public place within the limits of the city ; 20

(15.) For preventing indecent exposure of the person or other indecent exhibitions ;

(16.) For preventing or regulating the bathing or washing the person in any public water in or near the city ;

(17.) For preventing cruelty to animals, and for preventing 25 the destruction of birds ;

(18.) For imposing a tax on the owners, possessors or harborers of dogs ;

(19.) For impounding, killing or disposing of by sale dogs, running at large and unlicensed contrary to the by-laws . 30

(20.) For preventing the keeping of vicious dogs or wild animals within the said city except under certain restrictions ;

(21.) For preventing the injury or destroying of trees planted or preserved for shade or ornament, and for encouraging the planting of the same ;

(22.) For preventing the pulling down or defacing of sign boards and of printed or written notices lawfully affixed ;

(23.) For encouraging manufactures within the limits of the city, by exempting from taxes in whole or in part for a period of one or more years, such manufactories as are now or may hereafter be carried on in said city, and which in the public interest the council may deem advisable to encourage ;

(24.) For regulating the encumbering, injuring, or fouling by animals, vehicles, vessels, or other means, of any public wharf, sewer, shore, river or water ;

(25.) For establishing, protecting and regulating public wells, reservoirs, and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting and fouling of public water ;

(26.) For preventing and abating public nuisances ;

(27.) For preventing or regulating the construction of privy vaults, cellars, sinks, water closets and privies and the manner of draining thereof ;

(28.) For preventing or regulating the erection or continuance of slaughter-houses, tanneries, breweries, distilleries, or other manufactures or trades which may prove to be nuisances ;

(29.) For preventing the ringing of bells, blowing of horns or steam whistles, shouting, and other unusual noises in streets and public places ;

(30.) For preventing or regulating the firing of guns, or other firearms ; and the firing or setting off of fire-balls, squibs, crackers, or fire-works, and for preventing charivaries, and other like disturbances of the peace ;



(31.) For empowering any person (resident or non-resident) liable to statute labor within the city, to compound for such labor, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labor ;

(32.) For providing that a sum of money, not exceeding one 5 dollar for each day's labor, may or shall be paid in commutation of such statute labor ;

(33.) For enforcing the performance of statute labor, or payment of a commutation in money in lieu thereof, when not otherwise provided by by-law ; 10

(34.) For regulating the manner and the division in which statute labor or commutation money shall be performed or expended ;

(35.) For establishing and aiding charitable institutions within the city ; 15

(36.) For preventing the leading, riding or driving of horses and cattle upon sidewalks or other places not proper therefor ;

(37.) For preventing persons in streets or public places from importuning others to travel in or employ any vehicle, or go to any tavern, hotel or boarding house, or for regulating persons 20 so employed ;

(38.) For regulating the interment of the dead ;

(39.) For preventing the violation of cemeteries, graves, tombs, tomb-stones, or vaults where the dead are interred ;

(40.) For preventing the growth of weeds and compelling the 25 destruction thereof ;

(41.) For regulating the height, extent and description of lawful division fences, and for determining how the cost thereof shall be apportioned ;

(42.) For preventing persons from throwing any dirt, filth, 30 carcasses of animals, or rubbish on any road, lane, street, or highway in the city ;

(43.) For making any regulations for sewerage or drainage that may be deemed necessary for sanitary purposes ;

(44.) For directing and requiring at any time the removal of any door steps, porches, railings, or projections into, or obstructions in any public street or public highway in the city at the expense of the proprietor or proprietors ;

(45.) For appointing all officers that are necessary in the affairs of the corporation, and for regulating the remuneration, fees, charges and duties of such officers, and securities to be given for the performance of such duties ;

(46.) For establishing, maintaining and regulating lock-up houses for the detention and imprisonment of persons sentenced to imprisonment for not more than two months, and of persons detained for examination, or transmission to any gaol, either for trial or in the execution of any sentence ;

(47.) For inflicting reasonable fines and penalties not exceeding fifty dollars and costs ;

(a) Upon any person for the non-performance of his duties, who has been elected or appointed to any office in the corporation and who has accepted such office, and afterwards neglects the duties thereof ; and

(b.) For breach of any of the by-laws of the corporation ;

(48.) For collecting such penalties by distress and sale of the goods and chattels of the offender ;

(49.) For inflicting reasonable punishment, by imprisonment, either in a lock-up house in the city, or in a gaol, for any period not exceeding two months, for breach of any of the by-laws of the council, or for non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied ; or by both fine and imprisonment ; or imprisonment only, without option of fine ;

## FIRE, ETC.

(50.) For appointing fire wardens, fire engineers and firemen, and promoting, establishing, and regulating fire companies, hook and ladder companies, and property saving companies ;

(51.) For preventing or regulating the carrying on of manufacturies or trade, dangerous in causing or promoting fires ; 5

(52.) For preventing and for removing or regulating the construction of any chimney, flue or fire place, stove, oven, boiler or other apparatus or thing which may be dangerous in causing or promoting fire ;

(53.) For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same ;

(54.) For regulating the mode of removal and safe-keeping of ashes, and for regulating the keeping and transporting of gunpowder, coal oil and other combustible or dangerous materials. 15

(55.) For regulating and enforcing the erection of party walls;

(56.) For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident ;

(57.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same ; 20

(58.) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections 25 when necessary to prevent the spreading of fire ;

(59.) For regulating the conduct and enforcing the assistance of the inhabitants present at fires, and the preservation of property at fires ;

(60.) For regulating the erection of buildings and preventing 30 the erection of wooden buildings and wooden fences in speci-

fied parts of the city, and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, the roofing of incombustible material, within specified parts of the city, and for authorizing the pulling down or removal at the expense of the owner or owners thereof, of any building or erection which may be constructed or placed in contravention of any by-law ;

(61.) For providing medals or rewards for persons who distinguish themselves at fires ; and for granting pecuniary aid or otherwise assisting the widows and orphans of persons who are killed by accident at such fires ;

(62.) For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops and combustible places ;

(63.) To compel the owners of houses to have scuttles in the roof thereof, with approaches or stairs or ladders leading to the roof ;

(64.) For requiring the owners of buildings to provide fire escapes in such manner and time as may be prescribed in such by-law ; and for regulating the examination of them, and the use of them at fires ;

(65.) For defining the conditions and requirements to obtain hotel licenses for the retail within the city of spirituous, fermented or other intoxicating liquors ; shop licenses for the sale within the city of such liquors in shops or places other than hotels, inns, ale or beer houses or places of public entertainment, and also wholesale licenses for the sale by wholesale within the city of such liquors in warehouses, stores or shops ;

(66.) For limiting the number of hotels, shops and wholesale licenses to be issued in the city.

(67.) For regulating the cancelling of licenses before the expiry of the time for which such licenses were issued ;

(68.) For appointing inspectors or other officers the council may deem necessary for the efficient regulating of houses of entertainment or other places for the sale of liquor ;

(69.) For determining a fee or duty upon every license for the sale, within the city of Winnipeg, of spirituous, fermented or other intoxicating liquors to be paid to the corporation for purposes of municipal revenue, such by-law to be passed before the fifteenth day of May in any year. 5

(70.) For the efficient regulating and governing of hotels, shops and wholesale places, for which licenses, to sell liquor have been issued, and in which liquor is sold, and the proprietor or proprietors of the same, and regulating the sale of such liquors; 10

(71.) For licensing, regulating and governing all persons who for hire or gain, directly or indirectly, keep or have in their possession or on their premises any billiard, pool or bagatelle table, and for fixing the sum to be paid for a license so to have or keep such tables, and the time such license shall be in force; 15

(72.) For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise, effects, or real estate by public auction;

(73.) For licensing, regulating or governing hawkers or petty chapmen, transient traders, and other persons carrying on petty trades who have not become householders or permanent residents in the city, or who go from place to place or to other men's houses, or in or with any boat, vessel or other craft, or otherwise carrying goods, wares or merchandise for sale; 20

(74.) For licensing and regulating ferries between any two places in the city, and establishing the rate of ferriage to be taken thereon; 25

(75.) For regulating and licensing the owners of livery, feed and sale stables and of horses, cabs, carriages, omnibuses and other vehicles used for hire; for establishing the rates of fare to be taken and for enforcing the payment thereof; 30

(76.) For regulating and licensing scavengers and chimney sweeps and for fixing and enforcing the payment of such rates as may be allowed to them for their service and to define their duties; 35

(77.) For providing for the abrogation, annulment or forfeiture, for cause, of any license whatsoever granted by the said council, or by order or consent thereof, under the authority of any by-law of the said council, and for declaring any such  
5 license absolutely forfeited, annulled or abrogated, or temporarily or permanently suspended, with or without repayment to the holder of such license of the fee paid therefor ;

(78.) For licensing suitable persons to keep intelligence offices for registering the names and residences of, and giving  
10 information to, or procuring servants for employers in want of domestics or laborers, and for registering the names and residences of, and giving information to or procuring employment for domestics, servants and other laborers desiring employment, and for fixing the fees to be received by the keepers of  
15 such offices ;

(79.) For the regulating of such intelligence offices ;

(80.) For limiting the duration of, or revoking any such license ;

(81.) For prohibiting the opening or keeping of any such intelligence office within the city without license ;

(82.) For fixing the annual fee to be paid for such license ;

(83.) For licensing, regulating or prohibiting the exhibitions of common show men, and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, menag-  
25 eries, boxing or sparring exhibitions, and theatrical representations.

(84.) For licensing, regulating or prohibiting the sale or pedlery of fruits, nuts, cakes, refreshments, bread, jewellery, and merchandise of all kinds in and upon or along the streets, side-  
30 walks, alleys, lanes and public squares of the city ;

(85.) For licensing, regulating and governing pawnbrokers or dealers in second-hand goods, wares and merchandise in the city ;

(86.) For fixing the annual fee to be paid for any and all such licenses;

#### RAILWAYS.

(87.) For subscribing for a number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by any incorporated railway or bridge company ; 5

(88.) For endorsing or guaranteeing the payment of any debentures to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the city, a sum sufficient to discharge the debt or engagement so contracted ; 10

(89.) For the issue for the like purpose of debentures, payable at such times and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest as the council may think meet ; and for handing such debentures by way of bonus or otherwise to any such company or to trustees on any conditions provided in the by-law ; 15

(90.) For granting bonuses to any railway, bridge, or water power company in aid of such railway, bridge or water power company, and for issuing debentures in the same manner as in the preceding sub-section provided for raising money to meet such bonuses ; 20

The provisions or powers of the four preceding sub-sections shall not be exercised by the council until a by-law shall have been first submitted to the electors as is provided for by-laws requiring the assent of the electors. 25

(91.) For sanctioning and permitting the track of any railroad to be laid in or along any street, and to regulate the use of locomotive engines and of steam or any other motive power, on any or every portion of any railroad within the city and to prescribe and regulate the speed of cars upon any and every part of the said railroad within the city and to exact by by-laws in pursuance of the powers hereby granted, a penalty of not more than four hundred dollars upon the proprietors or corporations 30 35

owning such railroad or their servants, for each and every violation of such by-law, and for collecting said penalty in manner provided for the collection of ordinary penalties ;

(a.) In case the city take shares in or guarantee payment of any money for or grant a bonus to any company in pursuance of sub-sections eighty-seven, eighty-eight, eighty-nine and ninety of this section the council shall be entitled to appoint the mayor or an alderman a director of such company, and such company shall accept such person as a director, and he shall be entitled to all the rights and privileges of the other directors of such company ;

(92.) For regulating the rate of speed of railway trains and engines along or across any of the streets or avenues of the city, and for preventing the obstruction of any of the public streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars, or truck for a longer period than five minutes at a time, and the unloading of any car or truck on or along any street, crossing or sidewalk in the city, and the blowing of whistles while an engine is crossing along or across any street or avenue, except under certain circumstances ;

#### CITY POUND.

(93.) For the establishment of pounds and the appointment of pound-keepers therefor ;

(94.) For regulating and fixing the fines and fees to be levied by such pound-keepers ;

(95.) For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound ;

(96.) For restraining or regulating the running at large of any animals, and providing for impounding them, and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law ; but it shall be the duty of the pound-keeper so appointed by the city, to conform absolutely, and in every case to all the provisions of the second clause of the Act,



concerning astray animals, as amended by chapter 18 of the Consolidated Statutes of the Province, or any Act or Acts amending the same ;

#### PUBLIC HEALTH.

(97.) For providing for the health of the city and against the 5  
spreading of contagious or infectious diseases ;

(98.) For prescribing the duties of the health officers and scavengers, and for defining the limits within which each scavenger shall perform his duties ;

#### MARKETS.

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(99.) For establishing markets and stock yards and for regulating the same ;

(100.) For regulating the buying and selling of all articles or animals exposed for sale on the public market in the open air ;

(101.) For preventing criers and vendors of small ware from 15  
practicing their calling in any of the public markets, public sheds and vacant lots in the city adjacent to the market ;

(102.) For preventing the forestalling, regrating, or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables and provisions of all kinds ; 20

(103.) For preventing and regulating the purchase of such things by hucksters or runners within the city ;

(104.) For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, lath, cordwood, coal or other fuel, and for imposing a reasonable fee therefor ; 25

(105.) For imposing penalties for light weight, or short count, or short measurement in anything marketed ;

(106.) For regulating the assize of bread, and preventing the use of deleterious materials in making bread, and for providing for the seizure and forfeiture of bread made contrary to the 30  
by-law ;

(107.) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food ;

(108.) For selling after six hours' notice, butcher's meat distrained for rent of market stalls ;

5 (109.) For appointing inspectors to visit all places wherein weights and measures, steelyards, or weighing machines of any description are used ;

(110.) For preventing the sale of adulterated milk or other articles of food ;

10 (111.) For changing the site of any market place within the city, or to abolish any market or markets now in existence or hereafter to be in existence in the city, and to appropriate the site or sites thereof, or any part or parts thereof for any public purpose whatsoever, and to establish new markets ;

15 (112.) For determining and regulating the powers and duties of the market clerks, and all other persons employed by the city in and about the said markets ;

(113.) For imposing, regulating and fixing the rates to be paid by any person or persons selling or retailing any article of food  
20 in or at any of the markets in the city, and for regulating the conduct of all persons buying or selling in or at any of the said markets ;

(114.) For regulating all vehicles of any kind in which any articles shall be exposed for sale in any public market, or in  
25 any street, or public place, or square within the city ;

(115.) For designating or specifying such place or places within the city for the slaughter of cattle, sheep, lambs, hogs and other animals usually used for food, and to compel every and all persons to use the same for that purpose, and for building abattoir and abattoirs ; Provided, that nothing herein contained shall be held to authorize the council to compel any  
30 person or persons already before the passing of this Act owning and using or occupying any place or building as a slaughter house or place for the slaughter of the said animals to cease to

use or occupy the same as such or for that purpose or to compel such person or persons to use any other place or building for such purpose, but in case of every such building or place so owned and used or occupied before the passing of this Act, the authority of the council shall only extend to the passing and enforcing of by-laws to ensure the proper fitting up and use of such building or place in such a manner that it shall not be a nuisance or injurious to the health of the citizens, and to prevent the re-building of any such building or making additions thereto ;

(116.) For obtaining such real and personal property as may be required for the use of the corporation within the limits of the said city or outside said limits if necessary, for the purposes of establishing cemeteries and parks ; and said council, shall have the power and authority under the said council, to sell, and execute deeds for the purchase and sale of burial plots in said cemeteries, and generally to exercise full powers and control over said cemeteries and parks and other property, and for erecting, improving, and maintaining a city hall and other houses and buildings required by, and being upon the land of the corporation, and for disposing of such property when no longer required ;

(117.) For the removal of any obstruction of whatsoever nature or kind in any of the public squares, streets or places within the said city, and at the cost of the city or of the parties causing the obstruction ;

(118.) For assessing the citizens residing in any particular street, lane, square or section of the city, in any sum or sums necessary to meet the expense of sweeping and watering the said street, lane, square, or section of the city ; provided that not less than two-thirds of the said citizens residing as aforesaid in such said street, lane, square or section, shall have first prayed or demanded to have the same swept or watered ;

(119.) To regulate, clean, repair, amend alter, widen, deepen, contract, straighten, divert or discontinue the drains and sewers and all natural watercourses in the said city ; and to prevent the en-umbering of the same in any manner, and to protect the

same from encroachment and injury ; and also to determine the course of all natural watercourses passing through private property in the said city, and to regulate all matters concerning the same, whether the said watercourses be covered or not ;

5 (120.) For opening, making, preserving, improving, repairing, widening, altering, directing, stopping up and putting down drains, sewers, watercourses, roads, streets, squares, alleys, lanes, or other public communications within the jurisdiction of the council, and for conducting the drains and sewers beyond  
10 the limits of said city for fertilizing purposes ; or into the Red or Assiniboine rivers, as is found practicable, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purpose and repairing and maintaining all bridges ;

15 (121.) For compelling persons to remove snow, ice and dirt from the roofs of the premises owned or occupied by them, and also to remove the same from the sidewalks, street, alley or in front of such premises, and for removing the same at the expense of the owner, or occupant in case of his default ?

20 (122.) For compelling owners of property to connect the same with any public sewer or drain constructed by the city, and for compelling or regulating the filling up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies ;  
25 and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate with costs thereof if done by the council in their default ; and for removing and depositing the refuse, manure, rubbish and other matter to such place  
30 or places as the council may determine, which may be taken from any of the places aforesaid ;

(123.) For making any other regulation for sewerage or drainage that may be deemed necessary for sanitary purposes including the closing and preventing the further use of cesspools on  
35 all streets where sewers are built ;

(124) For authorizing any corporate gas or water company to lay down pipes or conduits for the conveyance of water or gas

under streets or public squares, subject to such regulations the council sees fit, and for acquiring stock in or lending money to any such company ;

(125.) For numbering the houses and lots along the streets of the city, and affixing the numbers to the houses, buildings 5 or other erections along the said streets and for charging the owners of each house or lot with the expenses incident to the numbering of the same ;

(126.) For keeping a record of the streets and numbers of the houses and lots numbered thereon respectively, and enter- 10 ing thereon a division of the streets with boundaries and distances for public inspection ;

(127.) For surveying, settling and making the boundary lines of all streets, roads, and other public communications and for giving names thereto, and affixing such names at the corners 15 thereof on either public or private property ; and no by-law for altering the name of any street, square, road, land or other public communication shall have force or effect unless and until the by-law has been registered in the registry office of the county or other registration division ; and the registrar shall be 20 entitled to a fee of one dollar for any by-law so registered, and for necessary entries and certificates in connection therewith ;

(128.) For regulating the conveyance of traffic in the public streets, and the width of all tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or mer- 25 handise ;

(129.) For authorizing the construction of any street railway or tramway upon any of the streets or highways within the city, and for regulating and governing the same, and for fixing the rates to be charged thereon ; 30

(130.) For preventing immoderate and reckless driving in highways or streets, for preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor, and for preventing horses or mules in harness, during the winter season being driven without bells, and for preventing 35

horses or other animals being left at large or standing on any of the streets of the city without being sufficiently secured to prevent them running away ;

(131.) For regulating public bridges and driving and riding thereon ;

**149.** (a.) None of the provisions of this section or of any by-law passed thereunder shall have the effect of repealing or superseding the provisions of any general Act of this Province, or of any order in council passed in virtue thereof not hereby specially repealed.

(b.) No by-law shall be passed for the expenditure of money unless the auditor shall certify that the money to be expended is in the treasury to the credit of the fund from which it is to be drawn.

#### QUASHING BY-LAWS.

**150.** In case a ratepayer, or any person interested in a by-law, order or resolution of the council, applies to any judge of the Court of Queen's Bench, and produces a copy of the by-law, order or resolution to said judge, certified under the hand of the clerk and under the corporate seal, and shows by affidavit that the same was received from the clerk, and that the applicant is a ratepayer and interested as aforesaid, the judge, after at least four days' service on the corporation of a summons to show cause in this behalf, may quash the by-law, order or resolution in whole or in part, for illegality, and according to the result of the application, award costs for or against the corporation.

**151.** No application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any judge unless such application is made to such judge within one month from the passing of any by-law, order or resolution.

**152.** Any by-law, the passing of which has been prevented through or by means of any violation of the provisions of section 13 of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained.

**153.** Before determining any application for the quashing of a by-law upon the ground that any of the provisions of section 13 of this Act have been contravened in procuring the passing of the same, if it is made to appear to a judge of the Court of Queen's Bench that probable grounds exist for a motion to quash such by-law, the judge may make an order for an inquiry to be held, upon such notice to the parties affected as the judge may direct concerning the said grounds, before him, and require that upon such inquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said judge. 5

**154.** The said judge shall thereupon, if the grounds therefor appear to be satisfactorily established, make an order for quashing the said by-law, and he may order the costs attending said proceedings to be paid by the parties or any of them who have supported said by-law; and if it appears that the application to quash said by-law ought to be dismissed, the said judge may so order, and in his discretion award costs to be paid by the person or persons applying to quash said by-law. 15

**155.** After an order has been made by the said judge, directing an inquiry, and after a copy of such order has been left with the clerk of the corporation, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry is directed; but if the matter is not prosecuted to the satisfaction of the judge, he may remove the stay of proceedings. 25

**156.** Any decision or order of a judge upon any such application shall be subject to appeal to the Court of Queen's Bench at the next term after the order has been made upon the application to quash such by-law, if such order has been made, not less than ten days before the first day of such term, or during any term, or at the second term after the making of such order if the same have been made within ten days before the first day of the next term after the making of such order. Such appeal shall be had according to the practice prevailing in the court at the time with reference to appeals from an order of a judge in Chambers. 35

## MEETINGS OF AND PROCEEDINGS AT COUNCIL.

**157.** The members of the council shall hold their first meeting at noon on the first Monday of the month of January in each year, or in case such Monday shall be a statutory holiday, then such meeting shall be held on the next day thereafter at noon ;

(1.) The mayor and other members of the council, and the subordinate officers of the city may make declarations of office and qualification before any justice of the peace having jurisdiction in the city of Winnipeg, or before the clerk of the council ;

(2.) The council may adjourn its meetings from time to time ;

(3.) A majority of the council, exclusive of the mayor, shall constitute a quorum ;

**15** (4.) The subsequent meetings of the council after the first, shall be held at such place and from time to time as the council may by resolution on adjourning, to be entered on its minutes, or by by-law appoint ;

**20** (5.) In case there is no by-law of the council fixing the place of meeting of council, any special meeting may be held at the place where the three last meetings of the council were held, and a special meeting of the council may be open or closed, as in the opinion of the council expressed by resolution in writing, the public interests require ;

**25** (6.) The council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct ;

(7.) The mayor shall preside at meetings of the council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested **30** in writing by a majority of the council ;

(8.) In case of the death or absence of the mayor the council may from among themselves appoint a presiding officer, who during such absence shall have all the powers of the mayor and



shall be at all meetings of the council and at the police court when necessary ;

(9.) If the person who ought to preside at any meeting of council does not attend within thirty minutes after the hour appointed, the members present may appoint a chairman from 5 amongst themselves, and such chairman while presiding shall have the same authority at the meeting as the absent person would have if present ;

(10.) In case the mayor or other presiding officer neglects or refuses to call a special meeting of the council when requested 10 by a majority of the council in writing so to do, it shall be the duty of the city clerk on the receipt by him of a requisition in writing signed by a majority of the members of the said council directing him so to do, to summon the said council in the ordinary manner, to meet at the time, place and on the day stated 15 in said requisition, and such meeting shall be to all intents and purposes a meeting of said council ;

(11.) The mayor or presiding officer, or chairman shall vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be nega- 20 tived ;

(12.) Any member of the council may resign his seat in the council, and the vacancy shall be supplied as in the case of a natural death ;

(13.) The mayor of the city of Winnipeg shall have the pow- 25 er of vetoing any and all resolutions or measures adopted or passed by a vote of the council, authorizing the expenditure of money at any time within twenty-four hours after the time of the adoption or passing of the same by the council, provided the resolution passed or measure adopted specially states a sum 30 of money, by giving to the clerk of the city notice thereof in writing, provided, however, that such veto may be removed or over-ruled by a two-thirds vote of the council at any subsequent meeting ;

(14.) No previous action of the council on any matter shall 35 be rescinded unless by a two-thirds vote of the members of the

council then present ; and no decision or ruling of the mayor or presiding officer while in the chair shall be over-ruled except by a vote of two-thirds of the members of the council present ;

(15.) No member of the council shall be directly or indirectly interested in any contract with the city, or any department thereof, or in any account or claim against the city, provided always that this sub-section shall not apply to any contract or counter-claim made by an incorporated company or held by it against the city ;

(16.) No member of the council shall, during the term for which he is elected, be eligible or appointed to any office under the city ;

(17.) Every member of the council shall obey the authority of the chair, and respect the same, otherwise the member or members so offending or disobeying may be removed by the order of the chairman ;

(18.) Any two members of the council may call for the yeas and nays on any and all questions submitted.

#### REMUNERATION OF MAYOR.

**158.** The council may at the expiration of the term of office of the mayor vote him a sum not exceeding fifteen hundred dollars.

#### TREASURER.

**159.** The council shall appoint a treasurer who shall devote his whole time and attention to the duties of his office, except as hereinafter provided ;

(1.) It shall be the duty of the treasurer to receive all moneys paid into the city treasury, from whatever source, and to pay out the same only when ordered by the city council on warrant of the city auditor ;

(2.) The treasurer shall keep a complete and accurate account of all moneys by him received, showing the amount thereof, the time when, from whom, and on what account

received, and also of all disbursements by him made, showing the amount thereof, the time when, to whom, and on what that account paid. He shall so arrange and keep his books the amount received and paid, on account of separate and distinct funds, or special appropriations shall be exhibited in 5 separate and distinct accounts ;

(3.) The treasurer shall daily (Sundays excepted) deposit or cause to be deposited all moneys belonging to the city, in some chartered bank, to be designated by the council ;

(4.) The books, accounts and vouchers of the treasurer and 10 all moneys remaining in the city treasury shall at all times be subject to the inspection and examination of the auditor, the finance committee, or any member of the council ;

(5.) The treasurer shall during the week succeeding the 31st day of December in each year, make a full statement to the 15 finance committee of the council of all his accounts for the year ending the 31st day of December, and shall through said committee, report to the council an abstract of all his receipts and disbursements to and from each fund of the city ;

(6.) The treasurer on going out of office shall deliver to his 20 successor all the public moneys, books, accounts, papers and documents in his possession ; and in case of his death, the finance committee shall take possession of and keep the same until a successor is appointed.

(7.) The treasurer shall report to the first regular meeting of 25 the council in each month the amount of money at the credit of the city specifying the fund to which it belongs ;

(8.) On presentation of certificates of indebtedness issued by the city auditor to the said treasurer, said treasurer shall pay the same from any unexpended balance to the credit of the 30 fund properly chargeable therewith ; but if said treasurer has not sufficient funds to pay in full all such certificates, he shall endorse on the back thereof the amount paid, countersign said certificates and re-deliver the same to the person presenting the same. Such certificates shall bear interest from the date of the 35 approval and shall be redeemed in the order in which they

have been issued by said auditor ; provided, that if any of said certificates are not presented for payment as often as once in sixty days, said interest shall terminate at the end of sixty days, after the last presentation. All payments made on account of  
 5 pay roll shall be made by the treasurer after the same have been audited and placed in his hands therefor ;

(9.) The treasurer shall take an oath of office and give bonds to the satisfaction of the council in the sum of twenty thousand dollars, conditioned for the faithful performance of his duties,  
 10 or such other security at the expense of the council as the council may desire, and shall further perform such other duties as the council may require.

#### AUDITOR.

**160.** The council shall appoint a city auditor, who shall  
 15 hold his office during the pleasure of the council. Before entering upon his duties he shall take the oath or affirmation required by law, and to perform the duties of his office and obey the by-laws of the city, and shall enter into a bond, with good and sufficient sureties, or give security in the penal sum of ten  
 20 thousand dollars, for the faithful performance of his duties, which bond shall be deposited with the city clerk for safe keeping.

(1.) The auditor shall be the general accountant of the city and shall receive and preserve in his office all city account  
 25 books, and all vouchers, documents and papers relating to the accounts and contracts of the city, its revenue, debts and fiscal affairs, whether between the city and any officer thereof, or between the city and any person, or body corporate, except when said books, vouchers or documents are by-law placed in the  
 30 custody of some other officer or person ;

(2.) It shall be the duty of the city auditor to examine and audit all accounts, claims and demands, in favor of or against the city, for the payment of which any money may be drawn out of the city treasury, and after having examined the same,  
 35 with all accompanying vouchers and documents,, to certify the balance or true state of such claims or demands. It shall be his duty to keep suitable and proper books in which the accounts

of the city shall be kept by double entry. In the account between the city and the city treasurer he shall charge said treasurer with all moneys received into the city treasury, specifying the sources from which said moneys have been derived, and shall credit him with all warrants drawn on the city treasury. 5 In the account between the city and all officers, persons, or body corporate, who may have the collection of any money for the city, he shall charge each with the amount which may be in his hands for collection, or with blank licenses or certificates issued to him, and shall credit him with all moneys which he 10 shall pay into the city treasury. He shall keep in said account books a detailed and specific statement of the condition of the city revenue, entering every fund which by law or by-law is made a separate fund, under its appropriate head, crediting each fund with all receipts into the treasury on account thereof, 15 and charging it with all appropriations thereof, and all warrants drawn thereon. He shall keep a register of all warrants drawn on the treasury, specifying the date, number and the amount, the name of the person to whom, and out of what fund payable. He shall keep an account of all debts due to or from the city, 20 and a bill-book, in which he shall enter all bonds, notes, bills, and other obligations given by, or payable to, the city, with the name of the person by or to whom, and the principal and interest which the same draws ; and all accounts, notes, bonds, or claims against or in favor of the city, for purchase of lands, 25 buildings or other property, or of the revenue applicable to the following objects, to wit : general expense, interest, water works, lighting the city, fire department, police, street fund, infirmary, sewerage department, and sinking fund ; and any other fund, department or interest of the city not falling under either of the 30 foregoing heads, shall be kept under a separate and appropriate account ;

(3.) The auditor shall not draw a warrant on the city treasurer in favor of any person indebted to the city, or the assignee of such person, except for the balance which may appear to be 35 due such person over and above the debt due the city, nor in favor of any officer who is in arrears or in default to the city ;

(4.) The auditor shall draw his warrant on the city treasurer, specifying the fund from which payment is to be made, for any

money found to be due and owing by the city, the expenditure of which has been duly authorized ; provided, no warrant shall be issued unless there is money actually in the treasury to the credit of the specific fund ;

5 (5.) Whenever, upon the adjustment of any account, a sum of money shall be found by the auditor to be due to the city from any city officer, and the same shall not be paid into the city treasury within ten days after the adjustment of the account, and the city treasurer's receipt therefor delivered to the auditor,  
10 the auditor shall order suit to be commenced against the delinquent, or take such other measures as in his judgement will most effectually secure the city against loss ;

(6.) Whenever the revenue belonging to any prescribed fund of the city shall have become exhausted, it shall be the duty of  
15 the auditor to notify the council of the fact, and no appropriation from said fund shall be made by the council until moneys are placed to the credit of the said board to meet such ;

(7.) The auditor, whenever required, shall furnish the mayor or council, copies or abstracts of any books, accounts, records,  
20 vouchers, or documents in his office, and any information in relation to anything pertaining to his office, or to the revenue of the city, and he shall at all times permit the mayor, or any member of the council, or any other city officer interested to examine any book, paper, or document in his office ;

25 (8.) The auditor shall exercise a general supervision over the collection and return into the city treasury of the revenue of the city of every description, and all other fiscal affairs of the city ; over all claims which may or might become the subject of litigation, and any other proceedings in which the interests of  
30 the city are involved, or in any manner concerned ; he shall prescribe the form and manner in which all account books of the city officers shall be kept, and he shall examine the books of said officers as often as he shall think proper, and shall see that they are properly and neatly kept, and said books shall be  
35 at all times subject to the inspection of the auditor ;

(9.) The auditor may require all city officers in receipt of city's money, to submit monthly reports to him of the business

of their respective offices in detail, and shall lay the same before the council, at its first regular meeting thereafter ; and if any such officer neglects or refuses to make adjustment of his accounts whenever so required by the auditor, and to pay over such money so received, it shall be the duty of the auditor to 5 issue a notice in writing to such officer and his securities, if any, to make a settlement of his accounts with said auditor, and to pay over the balance of money found to be due and in his hands, belonging to the city ; and in case of refusal or neglect of such officer to adjust his accounts, or to pay over said bal- 10 ance to the city treasurer, it shall be the duty of the auditor to report the delinquency of such officer to the council ;

(10.) The auditor shall sign, with the mayor and city treasurer, and receive for safe keeping and sale, all bonds issued by the city, on such terms and under such restrictions as the coun- 15 cil shall direct ;

(11.) The auditor shall keep in his office a correct account of all public improvements ordered by the council, and under contract, copies of which shall be furnished him by the several departments authorized to make contracts on behalf of the city ; 20 said books shall show the estimate of such improvements, how much has been paid on the same, the dates when paid, and when any separate improvement is completed, the name of the contractor and the description of such contract ;

(12.) The auditor shall superintend the assessment of all 25 taxes whether for opening, improving, or lighting streets, or for other sewerage purposes ;

(13.) The auditor shall make out an annual statement for publication, in the month of January in each year, which shall be published in pamphlet form, and also a monthly statement 30 to the council, at the first regular meeting of the council in each month, giving a full and detailed statement of all receipts and expenditures of money during such time respectively ; such statements shall also detail the liabilities of the city, condition of all appropriations and contracts unfulfilled, the bal- 35 ance of money in the treasury, and the sum due the city and outstanding, the names of all persons who have become defaulters to the city, and the amount in their hands unaccounted

for, and all other things necessary to exhibit the true financial condition of the city ;

(14.) The auditor shall, on or before the second Tuesday in May, in each year, submit to the council a report of the estimates necessary, as near as may be, to defray the expenses of the city government during the current fiscal year. He shall, in such report, class the different objects of the said city expenditures, giving, as nearly as may be, the amount required. He shall make a statement of all contracts made or directed by the council and not performed or completed, and upon which any money remains unpaid, with the amount so unpaid on each ; and for this purpose he shall require the city engineer, and other officers and heads of departments, to furnish such information as he needs, to enable him to fulfill the duties imposed upon him by this section ; he shall also, in such report, show the aggregate income of the preceding fiscal year from all sources, the amount of all liabilities outstanding, and of bonds, interest, and any other kind of city debts payable during the year, and when due, so that the council may fully understand the money exigencies and demands of the city for the ensuing year.

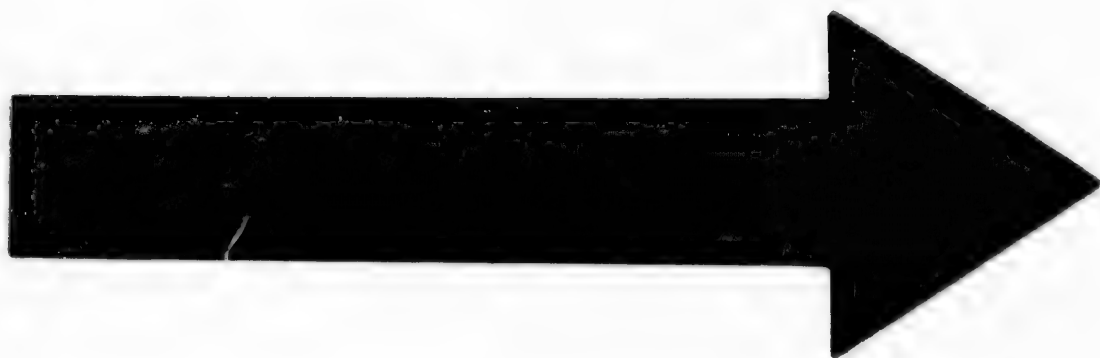
(15.) In case of a vacancy in the office of city auditor, or of his absence from the city, or from sickness or other inability to perform his duties, the council shall appoint an acting auditor who shall, during such vacancy or absence, audit and settle all accounts or claims on the city, and shall sign, in place of the auditor, all warrants on the city treasury.

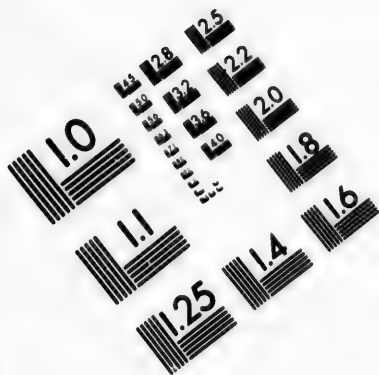
#### OFFICERS OF THE CORPORATION.

**160.** The council shall appoint such officers to fill or occupy positions within the gift of the council as may from time to time become vacant, or as it may deem necessary and expedient to carry on the good government of the city and the provisions of this Act.

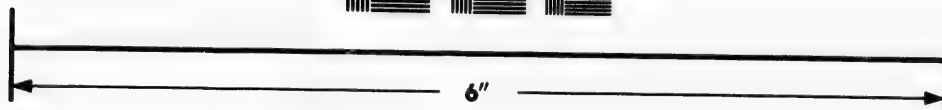
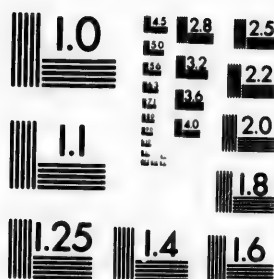
**161.** Any person holding any office to which he has been properly appointed by the council, shall hold the same during good behavior and notwithstanding any contract or agreement to the contrary the council or the employee may terminate any







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engagement by giving to the other three months notice in writing.

**162.** All appointments made by the council shall be confirmed by by-law as soon thereafter as practicable, except in this Act otherwise provided, and in such by-law it shall be distinctly stated that the person appointed shall only hold office during good behavior and shall be subject to the provision as to termination of engagement mentioned in the preceding section, and the amount of salary to be received and the times when payable. 10

**163.** All officers in the employ of the council shall perform, execute and do such services as the council may from time to time by by-law define, provided, however, that no by-law shall alter any of the duties imposed in this Act. 10

**164.** All city offices shall be kept open from 10 o'clock a.m. to 5 o'clock p.m. from the 1st of April to 1st October, and from 10 o'clock a.m. to 4 o'clock p.m. from 1st October to 1st April. 15

**165.** All officers, other than the treasurer and auditor, shall give satisfactory bonds for the due and proper performance of their duties, if required by the council, before entering upon the same. 20

**166.** All officers appointed shall in addition to other conditions imposed before entering upon their duties take and subscribe a proper oath of office. 25

**167.** All money belonging to the city received by an officer or agent thereof, either from collections, loans, fees, fines and penalties or otherwise, shall be deposited in the city treasury regularly once a day, and in case the provisions of this section are not complied with, it shall be the treasurer's duty to report any delinquencies to the mayor and auditor. The treasurer shall make duplicate receipts in all cases, one for the party paying, and one for the auditor, which shall set out the amounts and on what account paid, and to what account credited. All payments on account of pay-rolls shall be made by the treasurer, after the same have been audited and placed in his hands 30 35

therefor. All payments of salaries or wages shall be paid by the treasurer, who shall pay each person or his legal representative and take a proper receipt therefor.

#### APPROPRIATIONS.

5 **168.** No appropriation shall be made from any revenue fund in excess of the amount standing to the credit of such fund ; nor shall it be made for the purposes to which the money therein is not applicable by law.

10 **169.** No money shall be paid out of the treasury except on the auditor's warrant and no warrant shall be issued on any appropriation, unless there is an unexpended balance to the credit thereof sufficient to cover such warrant, and money in the treasury to pay it.

15 **170.** All unadjusted accounts, before they are audited, must be credited by the officer having knowledge of the facts, and audited accounts shall be registered in the auditor's office, and filed and preserved as vouchers in the auditor's office.

#### ACTIONS AND JUDGMENTS AGAINST CITY.

20 **171.** In the event of a final judgment or judgments obtained against the council in any court of law having jurisdiction in the Province of Manitoba in respect of any debt due by the said council to any person or persons, company or corporate body residing or being in the said province, in the Dominion of Canada, in Great Britain or elsewhere, and the said council  
25 being unable, or from any cause unwilling or refusing to pay the same, it shall be lawful for the sheriff of the county wherein the city is situated, of the Province of Manitoba, to seize and sell in such manner as the law directs, and subject to any incumbrance thereon which may legally exist, any property, real  
30 or moveable belonging to the said council in their corporate capacity ; and in the event of such property being insufficient to satisfy the said judgment or judgments, the sheriff shall then issue a warrant under his hand and seal directed to the assessor or assessors of the city for the time being whose duty it shall  
35 then be with all due diligence to proceed and make a special assessment of all the real and personal property within the limits

of the city of Winnipeg liable to taxation in the same manner in which the annual assessment is made, and to return the assessment rolls to the sheriff, who shall cause a collector's roll to be made out from said assessment roll and shall levy an equal special rate on all property so assessed, such rate to be sufficient when collected (and allowing reasonable margin for uncollectable taxes) to pay the said judgment or judgments, together with all legal costs and expenses, and the sheriff shall place the said rolls in the hands of the collector for the city for the time being, whose duty it shall be to proceed with all due diligence to collect the said special rate in the same manner as herein provided for the collection of taxes levied by the said council, and to make a return thereof to the said sheriff in the same manner as herein provided for the return to the treasurer of the ordinary taxes levied by the said council, and the sheriff shall forthwith pay the amount of the said judgment or judgments out of such special rate so levied and collected, and shall pay the said assessor or assessors and collector for their services as are herein provided, the same amount as was paid by the council to the said assessor or assessors and collector, or his or their predecessors in office, for the previous year; provided, however, that the provisions of this section shall only be enforced subject to the next preceding section;

(1.) Any amount remaining in the possession of the said sheriff, of the said special rate (levied and collected as hereinbefore provided) after the payment of the said judgment or judgments and all legal costs connected therewith, shall be forthwith paid by him to the chamberlain of the city for the general purposes of the said city, and he shall also make a return of the said assessor's and collector's rolls, with an account of all expenses and disbursements and costs and all proceedings connected therewith, to the city clerk, who shall lay the same before the council at its first meeting thereafter;

(2.) The said council, should it see fit so to do, may submit the account of the said sheriff of the expenses, disbursements and costs arising out of, or connected with the said special assessment, to one of the judges of the Court of Queen's Bench, who shall tax the same, and allow such items as to him shall appear just and right;

(3.) In the event of any lands or real property belonging to the council being taken in execution and sold by the sheriff as is provided for in the next preceding clause, the same proceedings shall be followed and the same rules apply as are provided for the sale of lands for taxes in this Act, except as regards the redemption of said land or real property; and the said council may redeem the same at any time within five years after the sale thereof by the said sheriff, by paying to the purchaser of said lands or real property the amount paid by him therefor, together with interest at the rate of eight per cent. per annum; and if the council fail within the said five years, to redeem the said lands or real property, the sheriff shall then, by a deed under his hand and seal, confirm the said purchaser in his possession of said lands or real property, which deed shall be valid.

#### 15 PRINTING, STATIONERY AND SUPPLIES.

**172.** It shall be the duty of the city clerk on or before the first day of January of each and every year, to advertise for tenders for all printing and blank work of every kind and description, and such tenders when received shall be opened by the city clerk, subject to such restriction as the council shall determine, who shall report the same to the council, designating the lowest responsible bidder or bidders, and the council shall enter into contract with said lowest bidder or bidders, as the council may direct, such contract or contracts being subject to the approval of the council.

**173.** The city clerk shall order and purchase all supplies, so far as the same relate to papers, envelopes, stationery, sundries and miscellaneous supplies, and he shall issue the same upon the written requisition of the several boards and heads of the city government. He shall keep a record of all such purchases and requisitions in a book provided for that purpose, and shall make therefrom a semi-annual report in detail to the council. A transcript of all bills for printing, stationery and blank work of every description used in the several departments, shall be filed with the city clerk, who shall enter the same upon the record, and include the same in his report as herein provided.

**174.** No officer or head of any department of the city of Winnipeg shall order printing done, or supplies of any kind provided in this Act, and no claim for such printing or supplies shall be paid unless it is incurred according to the provisions of this Act.

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**175.** No officer, department, or head of any department of the city, shall be permitted to order any annual reports or statements printed at the expense of the city, except by order of the city council.

**176.** No bills for such printing and supplies as are contemplated by this Act shall be allowed, unless they are contracted for under the provisions of this Act.

**177.** All bills contracted under the provisions of this Act, before they are paid, shall have the endorsement of the city clerk.

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#### INVESTMENT OF SINKING FUND.

**178.** The sinking fund to redeem the outstanding debentures of the city, shall in each and every year, when received by the treasurer, be deposited by him in some chartered bank to be designated to the credit of a special account to be called "The Sinking Fund Account of the City of Winnipeg," and the same shall be invested by three trustees, two of whom shall be appointed by the Court of Queen's Bench or any judge thereof on application by the city solicitor on behalf of the city and the third by the council from one of their number, in bonds, mortgage security, or in such other good, safe and valuable securities as the said trustees may think best, and the said trustees after their appointment as aforesaid have the power of requiring the said treasurer to pay from out of such funds so deposited to the special account aforesaid, such sum or sums of money as the said trustees shall from time to time require for investment; and any and all sums of money coming into the hands of the said treasurer from the present temporary investment of the sinking fund shall be applied in the manner and to and for the purposes above mentioned; and the said trustees shall whenever required by the council, give a detailed statement in writing of the said fund and the manner in which the same is in-

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vested, and in no case shall the funds of the sinking fund account be withdrawn without the consent of the said trustees. The trustees appointed under this section shall hold office at the pleasure of the council, or until their successors are appointed.

#### POLICE COMMISSIONERS.

**179.** The council shall appoint a board of commissioners of police for the city and such board shall consist of the mayor, the judge of the county court having jurisdiction in the city of Winnipeg and the police magistrate of the city, and in case the office of such judge or that of police magistrate be vacant, the council of the city shall appoint a person resident therein to be a member of the board, or two persons so resident therein to be members thereof, as the case may require, during such vacancy, and such commissioners shall have the sole charge and control of the police department of the city, the persons therein employed and generally in all matters connected therewith; and for that purpose and for all other purposes connected with the good government of the police force of the city to pass by-laws relating thereto.

**180.** The board shall cause a pay list of all men employed to be made out monthly or oftener, if required, and the said list when certified to by the said board or a majority of them, shall be taken or forwarded to the auditor, who shall, upon being satisfied as to the correctness of the same, instruct the treasurer to pay the same under his signature.

**181.** The board shall, before incurring any expenditure of money, in connection with the police department other than the employment of men, submit and furnish to the council an estimate of the sum or sums required and the purpose or purposes for which the same is intended to be devoted, and the council shall thereupon provide the same in the hands of the treasurer and notify the auditor; and the same board thereafter may draw on account of and apply the same or any part thereof for the purposes mentioned in the estimates.

**182.** The board shall hold their sittings in the police station building in the city, when and as often as they see fit, and shall have control of the said building.

**183.** The said board shall from time to time fix the wages or salaries to be paid the chief and other constables or men employed.

**184.** A majority of the board shall constitute a quorum and the acts of the majority shall be considered acts of the board. 5

**185.** All by-laws of such board of commissioners of police shall be sufficiently authenticated by being signed by the chairman of the board, who shall pass the same and a copy of any such by-law, written or printed, and certified to be a true copy by any member of such board, shall be deemed authentic and be received as *prima facie* evidence in any court of justice, without proof of such signature, unless it is specially pleaded or alleged that the signature to any such original by-law has been forged. 15

**186.** In all cases where the board of commissioners of police are authorized to make by-laws, either under this or any other Act or law, they shall have power, in and by such by-laws, to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings, before the police magistrate of the city, for which the same may be passed, or in his absence before any justice of the peace, having jurisdiction therein, in the manner and to the extent that by-laws of the city council may be enforced under the authority of this Act. 25

**187.** The police force shall consist of a chief constable and as many constables and other officers and assistants as the board from time to time deem necessary.

**188.** The members of such police force shall be appointed by, and hold their offices at the pleasure of the board and shall take and subscribe to the following oath: 30

I, A. B., do swear that I will well and truly serve Our Sovereign Lady the Queen in the office of police constable for the city of Winnipeg, without favor or affection, malice or ill will, and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the 35

person and properties of Her Majesty's subjects, and that I will to the best of my skill and knowledge discharge all the duties thereof faithfully and according to law.

**189.** The board shall from time to time make such regulations as they may deem expedient for the government of the force and for preventing neglect or abuse and for rendering the force efficient in the discharge of all its duties.

**190.** The constables shall obey all lawful directions, and be subject to the government of the chief of police and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders, and shall have generally all the powers and privileges and be liable to all the duties and responsibilities which belong by law to constables duly appointed.

**191.** The said board shall be established immediately after the passing of this Act, and when established, all the persons now occupying positions on the police force of the city, shall be subject to the government of the board to be dismissed, or suspended, and generally to the provisions under the heading of "Police Commissioners" in this Act, the same to all intents and purposes as if they had been appointed under the said provisions.

**192.** In case any person complains to the chief of police, or any officer of the police force, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed though not in his presence, and that there is a good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of the breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the police magistrate, such officer may without warrant arrest the person charged, in order to his being conveyed as soon as conveniently may be, before the police magistrate, to be dealt with according to law. And it shall be lawful for any officer while on duty, to apprehend all

loose, idle and disorderly persons whom he shall find disturbing the public peace, or whom he may have just cause to suspect of evil designs, and all persons whom he shall find lying in any field any high-way, yard, railway car, or other place, and not giving a satisfactory account of themselves, and to deliver such 5 persons to the officer in charge of the nearest police station, in order that such persons may be secured until brought before the police court of the city, to be dealt with according to law, or may give bail for his appearance before the said police court, if the chief of police, upon being made cognizant of the facts of 10 the case, shall think it a fit case for bail.

**193.** If any person shall assault, or resist any officer or constable of the police force of the city in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before the police 15 magistrate, or in his absence the mayor of the city or alderman, shall for every such offence, forfeit and pay the sum of twenty dollars, besides the costs of the court, and be liable to such imprisonment, not exceeding thirty days, as the said police magistrate, mayor, or alderman may adjudge. 20

#### POLICE COURT.

**194.** The council shall establish in the city a police court and the police magistrate, or mayor, or any one or more of the aldermen, in his absence, shall attend at such police court daily, or at such times and for such periods as may be necessary for 25 the disposal of the business brought before him as a justice of the peace; but except in cases of urgent necessity no attendance is required on Sunday, or any legal holiday.

**195.** The board of police commissioners shall appoint a police court clerk, and he shall be clerk thereof, and perform 30 the same duties as clerks of justice of the peace, and as he may be instructed by the board.

**196.** The mayor and aldermen shall severally be ex-officio justices of the peace, in and for the city during their term of office. The mayor, police magistrate and aldermen shall have 35 jurisdiction to try and determine all prosecutions for offences committed against the by-laws of the city, and for refusing to

accept office therein, or to make the necessary declaration of qualification of office respectively or in addition thereto the same rights and jurisdiction as other justices of the peace.

**197.** Where by any law of this province an offence is required to be heard and determined by two justices of the peace, the same may be heard and determined before the police magistrate or the mayor of the city alone; and the said mayor and police magistrate shall within the city severally have all the powers possessed by two or more justices of the peace.

**198.** The mayor, police magistrate or aldermen before whom a prosecution is had for an offence, may convict the offender on the oath or affirmation of any credible witness and shall award the penalty or punishment imposed by law, with the costs of prosecution, and may by warrant under the hand and seal of the justice or other authority, or in case two or more justices act together therein, then under the hand and seal of one of them, cause any pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offenders.

**199.** In case of there being no distress found, out of which the penalty can be levied, the justice may commit the offender to the district gaol, house of correction, or nearest lock-up house, for the time specified in the by-law.

**200.** All pecuniary penalties levied under this Act shall go to the corporation.

**201.** The mayor with any one justice of the peace having jurisdiction in the city, or police magistrate upon complaint made on oath, to them or any of them, of riotous or disorderly conduct in any hotel, inn, or tavern, ale or beer house, situate in the city, may summon the keeper of the hotel, inn, tavern, ale or beer house, to answer the complaint, and may investigate the same or hear summarily, and either dismiss the complaint or convict the keeper of having a riotous and disorderly house, and annul his license or suspend the same for not more than one hundred days, with or without costs, as in their discretion may seem just.

**202.** The sheriff and gaoler of the District shall be bound, and they are hereby authorized and required, to receive and safely keep, until duly discharged, all persons committed to their charge by the mayor, police magistrate, or any justice of the peace having jurisdiction in the said city, and the city shall 5 pay to the province or other duly constituted authority having jurisdiction, such compensation therefor and for the care and maintenance of prisoners, as may be mutually agreed upon, or be fixed by the Lieutenant-Governor in Council in case of disagreement. 10

**203.** Nothing herein contained shall limit the power of the Lieutenant-Governor to appoint under the seal of the province any number of justices of the peace for the city, or shall interfere with the jurisdiction of justices of the peace for the county in which the city is situate except only so far as respects offences 15 against the by-laws of the city and penalties for refusing to accept offices, or to make the declarations of office in the city—as to which jurisdiction shall be exercised exclusively by the mayor or alderman, or police magistrate.

**204.** All fines and penalties imposed, levied and collected 20 by the mayor or aldermen, or by the police magistrate for the city, shall be, unless otherwise provided, paid into the city exchequer.

**205.** The police magistrate for the city, shall be paid a salary by the city of Winnipeg. 25

#### EXPROPRIATIONS.

**206.** The council of the city of Winnipeg shall have full power and authority to order by by-law the opening extending or widening of streets, lanes, public places, squares and highways, or the construction of such public buildings, drains or 30 water courses or sewers, and to order at the same time that such improvements should be made out of the city funds, or that the costs thereof shall be assessed in whole, or in part upon the pieces or parcels of land belonging to parties interested in, or benefited by the said improvements, and to purchase acquire, 35 take and enter into any land, ground or real property whatsoever within the limits of the said city, either by private agree-

ment, amicable arrangement between the council or the said city and the proprietors or other persons interested, or by complying with all the formalities hereinafter prescribed for opening streets, squares, markets, or other public places, or for continuing enlarging or improving the same or a portion of the same, or as a site for any public buildings to be erected by the said council ;

(1.) All corporations or bodies, and all persons, guardians, executors, administrators or trustees who are, or shall be seized or possessed of, or interested in any piece or pieces, lot or lots of ground or real property within the said city, selected by the said council for any of the purposes aforesaid, may not only for themselves, but for, and on behalf of all persons whom they represent, or for whom, or in trust for whom, they are, or shall be seized or possessed, or interested, whether minors, issue unborn, lunatic, idiots, femme couverte, or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to the said corporation, and such contracts, sales and conveyances shall be valid and effectual in law for conveying the estate or any interest therein to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding ; and the corporation of the city of Winnipeg shall not in any case be responsible for the application of the purchase money, and all corporations and persons whatsoever so contracting, selling or conveying as aforesaid, are hereby indemnified for, and in respect of such sale or cession which he, she, or they shall respectively make by virtue of, or in pursuance of this Act ; without, however, diminishing in any manner whatever the responsibility of such corporation or persons toward those whom they represent, as regards the purchase money or compensation of such sale or conveyance ;

(2.) In case the council of the said city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, within the limits of the said city, cannot come to an amicable arrangement with the person seized or possessed of, upon any title whatsoever, or interested in said lots of ground or property, or any part thereof, or who may be absent or unknown as regards the price or compen-

sation to be paid for the said lot of ground or property or any part thereof, (the said council, however, shall not be bound to take any step or proceeding toward securing such amicable arrangements), such price or compensation shall be fixed and determined in the following manner, to wit:

5

(3.) The council of the said city, by the attorney or counsel, shall give special notice, addressed through the post-office, to the person in whose name the property was lastly assessed on the assessment roll as proprietor, at his actual or last known domicile, and shall also give public notice, by three insertions 10 in at least one newspaper published in the said city, and in the *Manitoba Gazette*, that they will by or through their said attorney or counsel present, on the day and hour mentioned in the said notice, to the Court of Queen's Bench, at the said city of Winnipeg, sitting in term, or to any of the judges of the said court 15 in chambers, a petition calling upon the said court or any one of the judges thereof respectively, to choose and nominate three competent and disinterested persons to act as commissioners to fix and determine the price or compensation to be allowed for each and every lot of ground or property or any part thereof, 20 which may be required for the said corporation for the purposes of the said improvements, and which shall be designated in the said notice by a general description and by reference to a map or plan in the solicitor's office and one week at least shall elapse from the date of the last insertion of the said notice in the said 25 papers to the day appointed for the presentation of the said petition; and a copy of the said notice shall be posted near or in the neighborhood of the property to be expropriated; provided always, that the said council may instead of publishing such notice serve or cause to be served upon the owner or owners of 30 any such property personally such notice in writing, stating a time (not less than one week) when application will be made to the court or judge for the appointment of such commissioners;

(4.) The court or judge, as the case may be, to whom the said petition shall have been presented, shall appoint three commis- 35 sioners as aforesaid and fix the day on which the said commissioners shall begin their operations, and also the day on which they shall make their report; Provided always, it shall be lawful for the said court or any judge thereof, to extend the time in



which the said commissioners shall make said report upon reasonable grounds being shown to that effect upon application of the said commissioners or council of the city ;

(5.) The order embodying the said appointment shall be served with as little delay as possible upon the said commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said Court of Queen's Bench or any judge thereof, to inflict upon each of the said commissioners upon proof of his or their refusal or neglect to perform the said duties ;

(6.) If one or more of the said commissioners at any time after their appointment shall fail in the due performance of the duties assigned to them or him, in and by this Act, or shall not fulfil the said duties in a faithful, diligent and impartial manner, it shall be lawful for the said council by its attorney to apply, by summary petition, to the said Court of Queen's Bench or to a judge thereof, as the case may be, to stay the proceeding of the said commissioners and to remove and replace the commissioner or commissioners who may have forfeited or violated his or their obligations, or neglected his or their duties, or to appoint one or more commissioners in the place of any whose services may have been or may be dispensed with for any cause : and upon such petition the said court or judge may make such order as may be deemed conformable to justice ;

(7.) Immediately after the appointment of the said commissioners it shall be the duty of the city surveyor to furnish them with a plan or map showing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated ;

(8.) The commissioners before proceeding shall make and subscribe a solemn declaration under oath, and they shall be entitled to receive a remuneration not exceeding five dollars per day each, during the whole time they of necessity shall be occupied in the performance of the said duties ; but the council may, if they think fit, have the bill taxed on this scale by the master of the court ;

(9.) The said commissioners may, if they deem proper, call upon the proprietors or parties interested to give them inspection of their title deeds, and upon their refusing to comply with such demands the said commissioners are hereby authorized to procure copies of said deeds at the cost of the said proprietors 5 or parties interested; and the amount of said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation;

(10.) It shall be the duty of the said commissioners to diligently proceed to apprise and determine the amount of the 10 price, indemnity or compensation (if any) which they shall deem just and reasonable for each of the pieces or parcels of land or real estate the expropriation whereof shall have been resolved on by the city council, or for the damages (if any) caused by such expropriation; and the same commissioners 15 may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected, required for any improvement which the said council may have ordered to be made or carried out at one and the same time; and the said commis- 20 sioners are hereby authorized and required to hear the parties, and to examine and interrogate their witnesses, as well as the members of the city council and the witnesses of the said corporation; but the said examination and interrogatories shall be made *viva voce*, and the answers thereto shall be reduced to 25 writing and shall form part of the report to be made by the said commissioners; provided that if in the discharge of the duties devolving on the said commissioners by virtue of the present Act, there shall occur a difference of opinion between them as to the value of the piece of land or real estate about to be ex- 30 propriated, or upon any other question within their province, the decision of two of the said commissioners shall have the same force and effect as if all the said commissioners had concurred therein;

(11.) In every case where the council of the said city may have 35 resolved to carry out and execute any of the works or improvements aforesaid, the said commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the

damage to or deterioration in value of the residue of the property or real estate, by the separation from it of the part required by the said council, and they shall determine, first, the intrinsic value of the part of the property and premises to be taken, and  
 5 secondly, the increased value (if any) of the residue of the property caused by the proposed improvement, and thirdly the damage or depreciation that may be caused to such residue of the property by reason of the expropriation of a part or portion thereof, the difference between the intrinsic value of the part of  
 10 the property and premises required and the increased value aforesaid, or the intrinsic value of such portion of the property and such changes as may be ascertained shall constitute the price or compensation which the party or parties interested shall be entitled to, and when the said commissioner shall deter-  
 15 mine and award that the increased value is equivalent to, or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation ;

(12.) In case any of the commissioners should, after being  
 20 appointed, die, or be unable to act, the said court or one of the judges thereof, as the case may be, shall upon a summary application to that effect, to be presented by the council of said city, after such notice, as the court or judge may direct of the said court or judge, replace such commissioner by another competent  
 25 and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor ;

(13.) So soon as the said commissioners shall have completed the proceedings relating to the appraisement, and determined the compensation for the piece or pieces or parcels of land or  
 30 real property about to be expropriated, they shall give one week's public notice by means of a poster, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real property, that on the day mentioned in said notice, all parties interested or claiming indemnity, who may consider themselves  
 35 aggrieved by the said appraisement shall be heard before them in the city hall or council chamber or a room connected therewith ; and when such parties aggrieved or claiming indemnity shall have been heard as aforesaid, it shall be lawful for the said commissioners to maintain or modify, at their own discretion,

the appraisement made by them of any piece or parcel of land or real estate aforesaid ;

(14.) On the day fixed in and by the order appointing the said commissioners, the council of the said city, by their attorney or counsel shall submit to the said Court of Queen's Bench or to 5 any of the judges thereof, the report containing the appraisement of the said commissioners, for the purpose of being confirmed and homologated to all intents and purposes ; and the said court or judge may thereupon, after hearing any or all of the parties interested therein, who may appear, pronounce the 10 confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal ;

(15.) The council of the said city shall within one month from and after the confirmation and homologation of the report of the 15 said commissioners, make in the hands of the prothonotary or clerk of the said Court of Queen's Bench, whose duty it shall be to grant to the said council a written acknowledgement thereof, a deposit of the price or compensation and damages settled and determined in and by the said report ; and the act 20 of such deposit shall constitute, in behalf of the council of the said city, a legal title to the property of the said piece or parcels of land or real estate, and from thence all proprietors of or other persons whatsoever interested in the said pieces or parcels of real estate, shall lose and be divested of all rights or claims 25 thereto, except such as may be reserved by such report, and the said council shall be vested with the said piece or pieces or parcel of land or real estate, subject as aforesaid, and may of right and without any further formality enter in possession of, and use the same for any of the purposes authorized by this 30 Act ; any law, statute or usage to the contrary notwithstanding ;

(16.) Any expropriation made by virtue of this Act shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burthened or encumbered at the time ; but the price or com- 35 pensation deposited in the hands of the clerk or prothonotary as aforesaid, shall be held to represent the said pieces or parcels of land or real estate, as regards all mortgages or privileged

creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act, and such distribution shall be made and determined by order of the said Court of Queen's Bench in such manner  
5 as may by it be deemed advisable and just to the parties interested ;

(17.) All the provisions contained in the third section of this clause with regard to the appointment of commissioners and the mode of ascertaining the value of the piece or pieces or parcels of land or real estate taken by the council of the said city shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said council to any proprietor of real or personal estate or his representative for any damage he or they may have  
15 sustained by reason of any alteration made by order of the said council in the line or level of any street, footpath or sidewalk, or by reason of the removal of any establishment subject to be removed under any by-law of the said council, or to any party by reason of any other act of the said council, for which  
20 they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the council shall not agree ; and the amount of such compensation shall be paid at once by the said council to the party having a right to the same, without further form-  
25 ality ; and any person who shall erect any building whatever upon or contiguous to any established or contemplated street, public place or square in the said city, without having previously obtained from the city engineer (or surveyor) the level and line of such street, public place or square shall forfeit his  
30 or her claim for damages or compensation, by reason of any injury caused to the property or building when such level or line shall be settled and determined by the said council through the said committee.

(18.) Special assessments under authority of section 1 of this clause shall be made in the same manner and subject to the  
35 same appeals and governed by the same decisions, and shall be collected by the same process as is provided by this Act in the case of ordinary assessments, or under the local improvement clauses of this Act as the council may determine.

## SURVEYS, ETC.

**207.** All future surveys of property within the city by owners or others into building lots, shall be subject to the approval of the city surveyor and no plan shall be registered unless it is certified by the city surveyor, as having been approved ; 5

(1.) The board of works may sanction the subdivision of any property already subdivided into building lots and every plan of subdivision of such lots shall be certified by the city surveyor as having been approved before registration thereof and no plan so approved shall require an order from any judge allowing such 10 subdivision to be made.

**208.** Any by-law shall be sufficiently authenticated and proven by a copy thereof duly certified by the clerk as a true and correct copy.

**209.** The council in the name of the city of Winnipeg shall 15 have power and authority to enter into a contract with the proprietor or proprietors of any bridge built or being built within the said city, for the purchase of the same upon such terms as may be agreed upon, and the proprietor or proprietors shall be and are hereby empowered and authorized to enter into a con- 20 tract with the council for the sale of any such bridge to the city.

**210.** The mayor and council of the city shall within one year construct and erect, or cause to be constructed and erected a passenger and traffic bridge across the Assiniboine and within the city west of Armstrong's Point at or near Boundary street, 25 and the said bridge may be either a draw, swing or suspension bridge, but before the same is erected the plans thereof shall be subject to the approval of the Governor-General in council ;

(1.) The said council are hereby authorized and empowered to issue debentures for the purpose of paying for the said bridge 30 or bridges without having submitted the by-law authorizing the same to a vote of the ratepayers ;

(2.) The city shall have power to expropriate any bridge or bridges wholly within the city in the same manner as is by this Act provided for the expropriation of other property required 35 for city purposes ;

(3.) The council of the city of Winnipeg shall have power and authority to build, construct, operate and maintain a bridge across the Red River from a point within the limits of the city to a point on the opposite side of the river for railway and ordinary traffic purposes or either, and to acquire the necessary land on either side of the river for the purpose of approaches, and to issue debentures for the purpose of paying the costs of the same, but such debentures shall not be issued or such bridge constructed except under a by-law duly submitted to and approved by the ratepayers in accordance with the provisions hereinbefore contained.

#### LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS THEREFOR.

**211.** The council may pass by-laws :

(1.) For providing the means of ascertaining and determining what real property will be immediately benefitted by any proposed improvements, the expense of which is proposed to be assessed as hereinafter mentioned, upon the real property immediately benefitted thereby ; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefitted ; subject in every case to an appeal to a judge of the Court of Queen's Bench in the same manner and on the same terms, as near as may be, as an appeal from the court of revision in the case of an ordinary assessment ;

(2.) For assessing and levying on the real property to be immediately benefitted by the making, enlarging or prolonging of any common sewer, or the opening widening, prolonging or altering, macadamizing, grading, levelling, paving or planking of any street, lane, or alley, public way or place, or of any sidewalk or any bridge forming part of a highway therein, on the petition of at least two-thirds in number of the owners of such real property, representing one-half of the value of such real property, a special rate sufficient to include a sinking fund for the repayment of debentures, which said council is hereby authorized to issue in such cases respectively, on the security of such rates respectively, to provide funds for such improvements ; and for

so assessing and levying the same by an annual rate in the dollar on the real property so benefited, according to the value thereof, exclusive of improvements.

(3.) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, 5 and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums.

(4.) For effecting any such improvement as aforesaid, with funds provided by the parties desirous of having the same 10 effected.

**212.** No such local improvement as aforesaid shall be undertaken by the council (unless as provided in the next section) except under a by-law passed in pursuance of the 4th subsection of the preceding section, otherwise than on a petition of 15 two-thirds of the owners of the property to be directly benefited thereof, representing at least one-half in value of such real property; the number of such owners and the value of such real property having been first ascertained and finally determined, in the manner and by the means provided in the by-law in 20 that behalf, and if the contemplated improvements is the construction of a common sewer having a sectional area of more than four feet, one-third of the cost thereof shall also first be provided for by the council or by by-law for borrowing money, which the council is hereby authorized to pass for such purpose 25 or otherwise.

**213.** In cases where the council decides to contribute to at least half of the cost of such improvement, it shall be lawful for said council to assess and levy in manner provided in the two preceding sections, from the owners of real property to be di- 30 rectly benefited thereby the remaining portion of such cost without petition therefor, unless the majority of such owners representing at least one-half in value of such property, petition the council against such assessment within one month after the publication of a notice of such proposed assessment, in at 40 least two newspapers published in such city.



**214.** No by-law passed in pursuance of the three preceding sections of this Act, shall require the assent of the ratepayers of the city, but every such by-law shall recite ;

(1.) The amount of the debt which such by-law is intended to create, and in some brief and general terms, the object for which it is to be created.

(2.) The total amount required to be raised annually by special rate for paying the debt and interest under the by-law ;

(3.) Value of the whole real property rateable under the by-law as ascertained and finally determined as aforesaid.

(4.) The annual special rate on the dollar or per foot frontage or otherwise, as the case may be, for paying interest and creating a yearly sinking fund for paying the principal of the debt, or for discharging instalments of principal according to the provisions of this Act, or in case the debt is payable under the provisions of this Act by instalments for paying the instalment of principal and interest as they respectively become payable.

(5.) That the debt is created on the security of the special rate settled by the by-law and on that security only.

**215.** Nothing contained in the four next preceding sections of this Act shall be construed to apply to any work of ordinary repair and maintenance, and every ordinary sewer made enlarged or prolonged, and every street, lane, alley, public way or place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, gravelled or planked under the said section of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the city.

#### MISCELLANEOUS PROVISIONS.

**216.** Any matter or thing done, resolution, decisions, orders or other proceedings of the said council, debentures, promissory notes, stock and obligations issued, and all by-laws or rules now in force in the city of Winnipeg not conflicting with this Act, and made in conformity with the Acts incorporating or relating to the incorporation of the said city, shall continue in

full force and effect to all intents and purposes, the same as if the present Act had never been passed until they shall be legally altered, amended, replaced or repealed, as the case may be, by any Act of this Act, or except as the same may be changed or altered by virtue of this Act.

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**217.** The printed copies of all by-laws passed and to be hereafter passed by the council and purporting to be printed by authority thereof shall be admitted as *prima facie* evidence thereof, in all courts in this province, and on all occasions whatsoever.

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**218.** No member or officer of the council, and no member of the board organized under or in connection with the city government pursuant to any law or by-law, shall in his official capacity, or under color of his office, knowingly or wilfully, or corruptly vote for, assent to, or report in favor of, or allow or 15 certify for allowance, any claim or demand against the city or any department thereof, or against any such board as above mentioned, which claim or demand shall be on account or under color of any contract or agreement not authorized by, or in pursuance of the provisions of this Act, or any claim or 20 demand against the city or any department thereof, or any such board as aforesaid, which claim or demand, or any part thereof, shall be for work not in fact, performed for, and by authority of said city or board, or for supplies or materials not actually furnished thereto, pursuant to law or by-law, and no 25 such member or officer as aforesaid shall knowingly vote for, assent to, assist, or otherwise permit or aid in the disbursement or disposition of any money or property belonging to the city, or any department thereof, or held by or in charge of any such board as aforesaid, to any other than the specific use or purpose 30 for which such money or property shall be, or shall have been received or appropriated, or collected or authorized by law to be collected, and any such member or officer as aforesaid who shall violate any of the foregoing provisions of the section, shall, upon conviction thereof, be punished by imprisonment for not 35 more than one year, or by fine of not less than five nor more than two thousand dollars, or by both such fine and imprisonment.

**219.** Any person who shall violate any of the provisions of this Act, for the violation of which no punishment has been provided therein, shall be liable to punishment, punished by fine not exceeding five hundred dollars or by imprisonment not exceeding one year.

**220.** The books of account of the board of police commissioners, to be kept by them, and all documents relating to expenditures connected with their office, shall always be open to the inspection of the auditor, and of any committee appointed for that purpose.

**221.** The solicitor shall furnish the board of police commissioners with the legal advice and services desired by them, and the board shall not employ any other at the city's expense without the consent of the council.

**222.** The annual salary of any officer of the city shall not exceed the sum of four thousand dollars.

**223.** All existing by-laws, resolutions, and orders passed and other proceedings had and done by the council of the city of Winnipeg, for, and in the year one thousand eight hundred and eighty-three, and the election of the person which formed or composed the said council for the year aforesaid, shall be, and the same are hereby legalize and confirmed.

**224.** The duty of all officers in the employ of the city shall be as the same are defined in this Act, or by by-law, that is now or that may hereafter be passed by the council; and every of them shall be only required to perform such services and do such work as is laid down in this Act or by-laws aforesaid, any act, law or order in council to the contrary notwithstanding, and no other penalties shall attach for the non-performance of any services or work by any officer in the employ, or that may be hereafter in the employ of the council, except as provided in this Act.

**225.** Nothing herein contained shall be held to repeal any of the provisions of the Act heretofore passed, known as the Consolidated Act of Incorporation of the city of Winnipeg not inconsistent with this Act.

**226.** In case the city council at any time passes a resolution requesting the judge of the county court having jurisdiction in the city of Winnipeg, or the police magistrate for this city, to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust, or other 5 misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith in relation to the duties or obligations of the member to the corporation, or in case the council sees fit to cause inquiry to be made into, or concerning any matter connected with the 10 good government of the city or the conduct of any part of the public business thereof, and if the council at any time passes a resolution requesting the said judge or police magistrate to make the enquiry, the judge or police magistrate shall enquire into the same, and shall for that purpose have full power to sum- 15 mon witnesses before him to compel them to give evidence upon oath, either orally or in writing or on solemn affirmation, and to produce and bring with them such books, documents and things as he may think requisite for the complete and full investigation of such matter as aforesaid, and the judge or 20 police magistrate shall have the same power to enforce the attendance of witnesses and to compel them to give evidence, as is vested in any court of law in civil cases, and the judge or police magistrate shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken 25 thereon.

**227.** Every public street, road, square, lane, bridge or other highway in the city shall be vested in the city (subject to any right in the soil which the individuals who laid out such road, street, bridge, or highway reserve), and such public street, road 30 square, lane or highway shall not be interfered with in any way or manner whatsoever, by excavation or otherwise by any gas or water works company other than the companies hereinafter mentioned or referred to, notwithstanding that at the present time such companies have such powers, or by any company or 35 companies that may hereafter be incorporated, or any other person or persons whomsoever, except having first made application and received the permission of the city engineer in writing.

**228.** Every such public street, road, square, lane, bridge and highway shall be kept in repair by the corporation ;

(1.) All persons having made reservations to or in any street, road or bridge shall apply within six months after the passing of this Act to the city council in order to obtain a final settlement and adjustment under the provisions of this Act as hereafter provided of such claim, otherwise such claim shall cease to exist.

**229.** In case one-third of the members of the council or thirty duly qualified electors of the city petition for a commission to issue under the great seal of the Province to enquire into the financial affairs of the corporation and things connected therewith, and if sufficient cause be shown, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance and compel them to produce documents and give evidence as any court has in civil cases.

**230.** All contracts, notes, bills and other securities duly authorized to be executed on behalf of the corporation, shall unless otherwise specially authorized or provided be sealed with the seal of the corporation and signed by the mayor, treasurer and auditor, otherwise the same shall not be valid, and all cheques shall be signed by the treasurer and mayor, and countersigned by the auditor.

**231.** All lands conveyed to the corporation outside the limits of the city as defined by this Act are hereby vested in the said corporation, their successors or assigns for ever, with power to the council to dispose of the same whenever desired or deemed necessary.

**232.** All oaths of office omitted in this Act shall be the same as provided in the Acts incorporating the city of Winnipeg.

**233.** The council shall be at liberty and are hereby empowered to borrow from any chartered bank, either by promissory note or overdraft any sum of money required for ordinary

expenditure in or for the maintenance of the city, pending the collection of taxes or the realization of debentures issued or to be issued.

**234.** Nothing in this or any other Act contained shall affect, conflict or interfere with the rights, powers and privileges of the "Winnipeg Water Works Company," and the "Manitoba Electric and Gas Light Company," or either of them, as the said rights, powers and privileges have been conferred upon them, or either of them, by their various Acts of incorporation and amendments thereof, and none of the provisions of this or any other Act, or the powers conferred upon the city of Winnipeg thereby shall in any way be taken to apply to either of the said companies, or their rights powers or privileges. And it is further provided that nothing herein contained shall be deemed to affect any rights heretofore lawfully acquired by an incorporated company under its Act of incorporation or amendments thereto, or by letters patent of incorporation.

**235.** By-law number two hundred and sixty-six, passed by "The Mayor and Council of the City of Winnipeg," on the 31st day of March, in the year of our Lord one thousand eight hundred and eighty-four, intituled "A By-law to raise the sum of Six Hundred and Seventy-one Thousand Six Hundred Dollars for permanent improvements in the City of Winnipeg," shall be and the same is hereby legalized and confirmed, and the debentures issued or to be issued are hereby declared to be within the scope, power and authority under which said by-law was passed.

#### INTERPRETATION CLAUSE.

**236.** Unless otherwise declared or indicated by the context, wherever any of the following words occur in this Act, the meaning hereinafter expressed shall attach to the same, namely :

(1.) The word "Council" means the council of the city of Winnipeg;

(2.) The word "land," "lands," "real estate," "real property," respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein ;

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Names and Description of Persons Assessed.				Description and Value of														
No. on Roll.	Name of Occupant, Owner or Other Taxable Party.	Occupation.	Address.	Owner.	Tenant.	Resident.	Non-Resident.	Occupant.	Religion.				LAND.					
									Protestant	Rom. Catholic	Other Religion	Total No. of Household.	Built on.	Vacant.	N. of Horses.	No. of Cattle.	No. of Sheep.	No. of Pigs

[illegible]



## FORM III.

*To all whom these presents shall concern :*

We,

, of the

5 Esquire, warden, and  
of the

of

Esquire, treasurer  
of the City of Winnipeg in the Province of Manitoba.

SEND GREETING :

10 WHEREAS, by virtue of a warrant under the hand of the  
mayor and seal of the said city, bearing date the  
day of

in the year of our Lord one thousand eight hundred and  
commanding the treasurer

15 of the said city to levy upon the lands hereinafter mentioned  
for the arrears of taxes due thereon to the city of Winnipeg,  
with his costs, the treasurer of the said city did on the  
day of

in the year of our Lord one thousand eight hundred and

20 sell by public

auction to

of the

of

in the county of

that certain parcel

or tract of land and premises hereinafter mentioned, at and for

25 the price or sum of

of lawful money of Canada,

on account of the arrears of taxes alleged to be due thereon  
up to the day of

in the year of our Lord one thousand eight hundred and

30 together with costs.

NOW KNOW YE, that we, the said

and

as mayor and treasurer of the city of Winnipeg, in pursuance  
of such sale

35 and for the consideration aforesaid do hereby grant, bargain  
and sell unto the said

his heirs and assigns all that certain parcel

or tract of land and premises containing

more or less, being composed of (*here describe the land so that*

40 *the same may be easily identified.*)

IN WITNESS WHEREOF, we, the said mayor and treasurer of the said city of Winnipeg have hereunto set our hands and affixed the seal of the city this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

in the year of our Lord one

thousand eight hundred and

[Corporate Seal]

Countersigned,  
E. S.,  
City Clerk.

A. B., MAYOR )  
C. D., TREASURER )

## FORM IV.

To the clerk of the City of Winnipeg:

I, *Peter Grant*, a voter (or "person entitled to be a voter") in the said city, complain that the name John Jack is wrongly entered in the voters' list for the said city, he being a person disqualified under the section of

And take notice, that I intend to apply to the judge in respect thereof, in pursuance of the statute in that behalf.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_.

PETER GRANT,  
*Residence*

FORM V.

To the clerk of the City of Winnipeg :

I, *James Smith*, a voter (or "person entitled to be a voter") 25  
for the said city, complain (*state the names of the persons in  
respect of whom complaint is made, and the grounds of com-  
plaint touching each person respectively—or set forth in lists  
as follows, varying according to circumstances*), that the several  
persons whose names are set forth in the subjoined list No. 1 30  
are entitled to be voters in the said municipality, as shown in  
said list but are wrongfully omitted from the voters' list. That  
the several persons whose names are mentioned in the first

column of the subjoined list No. 2, are wrongfully stated in said voters' list as shown in said list No. 2. That the several persons whose names are set forth in the first column of the subjoined list No. 3, are wrongfully inserted in said voters list, as shown in said list No. 3. And that there are errors in the description of the property in respect to which the names respectively are entered on the voters' list, (*or stating other errors*) as shown in the subjoined list No. 4. And take notice that I intend to apply to the judge in respect thereof pursuant to the statute in that behalf.

Dated the \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 18 \_\_\_\_\_

JAMES SMITH,  
*Residence*

15 *List of Complaints mentioned in the above Notice of Complaints.*

LIST No. 1 (*showing voters wrongfully omitted from the Voters' List.*)

NAMES OF PERSONS.	GROUND ON WHICH THEY ARE ENTITLED TO BE ON THE VOTERS' LIST.
James Tupper.....	Tenant to John Fraser, of N. ½ sec. tp. range w.
Simon Beauclerk....	Owner in fee of N. W. ¼ &c.
Angus Blain.....	Assessed too low—property worth \$

LIST No. 2 (*showing voters wrongly named in Voters' List.*)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	THE ERRORS IN STATEMENT UPON VOTERS' LIST.
Joshua Townsend...	2	1	Should be <i>Joseph</i> Townsend.
John McBean.....	4	1	Should be John McBean <i>the younger.</i>
S. Connell.....	3	2	Should be <i>Simon</i> O'Connell. &c. &c.

LIST NO. 3 (*showing persons wrongly inserted in Voters' List.*)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	STATEMENT WHY WRONGFULLY INSERTED IN VOTERS' LIST.
Peter White.....	4	1	Died before final revision of roll
John May.....	3	2	Tenancy expired — left the country.
David Walters.....	2	2	Assessed too high — property worth under \$ &c. &c.

LIST NO. 4 (*showing voters whose property is erroneously described in Voters' List, &c.*)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	ERRORS IN RESPECT TO PROPERTY OR OTHERWISE STATED.
Stephen Washburn..	3	2	Name should be in sub-division No. 2.
Thomas Gordon....	2	1	Property should be, etc.
Ronald Blue.....	4	2	Should be described as owner not tenant.

## FORM VI.

*To His Honor the Judge of the County Court of the County of Selkirk:*

The Clerk of the City of Winnipeg states and reports that the several persons mentioned in column 1 of the schedule below, and no others have each given to him (*or* "left for him at his residence or place of abode," *as the fact may be*), written notice complaining of errors or omissions in the voters' list for said city for 18 , on the grounds mentioned in column 2 of the said schedule, and that such notices were received respectively at the date set down in column 3 of the said schedule.

Dated, &c.

A. B.

*Clerk of the City of Winnipeg.*

## SCHEDULE.

1	2	3
NAME OF COMPLAINANT.	ERRORS OR OMISSIONS COMPLAINED OF.	STATE WHEN NOTICE OF COMPLAINT RECEIVED BY CLERK.

## FORM VII.

To the clerk of the city of Winnipeg.

I, *Luke Doran*, a person entitled to be a voter in the said city, complain that the name of *Peter Short* is wrongly inserted  
 5 in the voters' list of the said city he having before the final revision and correction of the assessment roll transferred to me the property in respect to which his name is entered on the said list (or "parted with the property in respect to which his name is entered on the voters' list, and that I am in possession  
 10 of the same") : And take notice, that I intend to apply to the judge to have my name entered on the said list, instead of the said *Peter Short*, to the provisions of the statutes in that behalf.

Dated the                      day of                      18

LUKE DORAN.

## FORM VIII.

15

To                      , Clerk of the city of Winnipeg.

Upon reading your report and notification respecting the voters' list for the said City of Winnipeg for 18                      , pursuant to the statute in that behalf, I appoint the                      of

20

18                      , at the hour of                      at                      in the said city, for holding a court to

FULLY  
LIST.

on of roll  
left the  
property  
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Winnipeg.

You are constituted clerk of the court.

Let the assessment commissioner for the city attend the sittings of the said court, and let the original assessment roll of 10 the city for 18 , and the minutes of the court of revision for the city for 18 , be produced before me or the acting judge on the day and at the place above mentioned.

*Judge Co. Court.* 15

\_\_\_\_\_

at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
18\_\_\_\_\_, at \_\_\_\_\_ o'clock for the 20\_\_\_\_  
purpose of hearing all complaints made against the voters' list  
for the city of Winnipeg, for 18\_\_\_\_, particulars of which com-  
plaint are shown in the subjoined schedule.

Dated                      day of                      18

A. B.,  
*Clerk of the City of Winnipeg.*

## SCHEDULE.

NAME OF PARTY COMPLAINING.	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE.	GROUND OF COM- PLAINT ALLEGED.

## FORM X.

Notice is hereby given that a court will be held pursuant to  
the voters' list clauses of \_\_\_\_\_ by His Honor  
the Judge of the County Court of the County of Selkirk, at  
5 \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_,  
at \_\_\_\_\_ o'clock, to hear and determine the several com-  
plaints of errors and omissions in the voters' list of the City of  
Winnipeg, for 18 \_\_\_\_\_.

All persons having business at the court are required to at-  
10 tend at the same time and place.

Dated \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

A. B.,

*Clerk of the City of Winnipeg.*

## FORM XI.

15 You are hereby notified that pursuant to the statute in that  
behalf a court for the revision of the voters' list \_\_\_\_\_ 18 \_\_\_\_\_  
for the City of Winnipeg, will be held by the Judge (or acting  
Judge) of the County Court of the County of Selkirk, at  
\_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_  
20 18 \_\_\_\_\_, at \_\_\_\_\_ o'clock, at which court all com-  
plaints duly lodged of any error or omission in the said list

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judge

Court. 15

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innipeg.

will be heard and determined. A list of said complaints is posted up in \_\_\_\_\_ and you are hereby required to be and appear at such court; and take notice that the judge may proceed to hear and determine the complaints whether the parties complaining appear or not. 5

By order of His Honor the Judge of the said County Court of the County of Selkirk.

Dated \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

To

A person complaining of error )  
in the said Voters' List. ) 10

A. B.,  
*Clerk of the City of Winnipeg and  
constituted Clerk of said Court.*

# FORM XII. 15

You are hereby notified that, pursuant to the statute in that behalf, a court for the revision of the voters' list, 18 \_\_\_\_\_, for the City of Winnipeg, will be held by the Judge (or acting Judge) of the County Court of the County of Selkirk, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, at \_\_\_\_\_ 20 o'clock, noon, and you are required to appear at the said court, for that \_\_\_\_\_ has complained that your name is wrongly inserted in the said voters' list, ("because," &c., state matter of complaint concisely). A list of all complaints lodged is posted up in \_\_\_\_\_; and take 25 notice, that the judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of His Honor the Judge of the said County Court of the County of Selkirk.

To \_\_\_\_\_ 30

*Entered on said Voters' list.*

A. B.,  
*Clerk of the City of Winnipeg, and  
constituted Clerk of the said Court.*



## FORM XIII.


 SEAL

MANITOBA : } VICTORIA, by the Grace of God, of the  
County of } United Kingdom of Great Britain and  
To WIT : } Ireland, Queen, Defender of the Faith.

5 To

(Greeting :

We command you, that all excuses being laid aside, you be  
and appear in your proper person before our Judge of our  
County Court of the County of Selkirk at

, on the  
10 day of , 18 , at  
o'clock in the noon, at the court appointed, and  
there and then to be held, for hearing complaints of errors in  
the voters' list for 18 , of the city of Winnipeg, in the County  
of Selkirk, and for revision of said voters' list,

15 , then and there to testify to all and singular  
those things which you know in a certain matter (or matters)  
of complaint made and now pending before the Judge, under  
the voters' list clauses of wherein one

is complainant, and which  
20 complaint is to be tried at the said court. Herein fail not.

Witness His Honor

Judge of the said Court, at  
the day of

188 .

A. B.,

Clerk

25

## FORM XIV.

A. B., Clerk of the city of Winnipeg, having testified under  
his hand that no complaint respecting the list of voters for the  
said city for the year 18 , has been received by him within  
30 thirty days after the first posting up of the same, and on ap-  
plication of the said clerk.

I, \_\_\_\_\_ Judge of the County  
Court of the County of Selkirk, in pursuance of the provisions  
of the voters' list clause of \_\_\_\_\_ certify that  
the annexed printed list of voters being one of the copies re-  
ceived by me from the said clerk, under the provisions of the  
said Act, is the revised list of voters for the said city for the  
year 18 \_\_\_\_\_

Given under my hand and seal at Winnipeg this  
day of 18 .

*Judge.* 10

## FORM XV.

Be it remembered that upon a final revision and correction of the list of voters of the city of Winnipeg for the year 18 , pursuant to the provisions of the voters' list clauses of the following changes were duly made by me 15 in the copies of the said city, viz.,

1. The following persons are added to the list :

NAME.	POLLING SUB-DIVISION.	PART OF LIST	PROPERTY.

2. The following persons are struck off the said list :

NAME.	POLLING SUB-DIVISION.	PART OF LIST.	PROPERTY.

3. The following changes are made in the property described opposite to the names of voters otherwise correctly inserted :

NAME.	POLLING SUBDIVISION.	PART OF LIST.	PROPERTY AS ORIGIN- ALLY DESCRIBED ON LIST.	PROPERTY AS ALTERED.

4. The following changes are made in the names of voters incorrectly named :

NAME ORIGINALLY ON LIST.	POLLING SUBDIVISION.	PART OF LIST.	NAME AS ALTERED.	PROPERTY.

Witness my hand this                      day of  
A.D., 18      , at

*Judge County Court for the County of Selkirk.*

## FORM XVI.

I, \_\_\_\_\_ Judge of the County Court of  
the County of Selkirk, pursuant to the \_\_\_\_\_ section of the  
voters' list clauses of \_\_\_\_\_ do hereby  
certify that the above (*as the case may be*) is a correct copy of 5  
the list of voters for the year 18 \_\_\_\_\_, received by me from the  
clerk of the City of Winnipeg, according to my revision and  
correction thereof, pursuant to the provisions of the said Act.

Dated at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_, 18 \_\_\_\_\_ 10

*Judge, &c.*

## FORM XVII.

In the matter of the voters' list for the City of Winnipeg,  
for 18 \_\_\_\_\_, and of the complaint and appeal to the Judge of  
the County Court of the County of Selkirk, by A. B., complain- 15  
ing of the name of C. D. being wrongly inserted in the said list  
(*or, as the case may be, stating in brief the nature of the com-  
plaint.*)

On proceedings taken before me, pursuant to the said Act, I  
find and adjudge that the name of the said C. D. was rightly 20  
inserted in the said list, (*or, "was wrongly inserted in the said  
list"*), and order that the said A. B. do pay the said C. D. his  
costs occasioned by the said complaint (*or, "and order the said  
C. D. shall pay the said A. B. his costs incident to the said  
complaint,"—or, "and order that E. F., one of the assessors of 25  
the said city, being blamable for such wrong insertion, do pay  
the said A. C. his costs incident to such complaint,"—or, as  
the case may be, stating it in brief*)—said costs to be taxed pur-  
suant to the said Act.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ 30

*County Judge.*

## FORM XVIII.

Victoria by the Grace of God of the United Kingdom of  
Great Britain and Ireland, Queen defender of the Faith &c.,

To the Sheriff of the

Greeting:

5 We command you that of the goods and chattels in your  
bailiwick of C. D., you cause to be made

dollars for certain costs which lately by an order of

His Honor

the Judge

of the County Court of the County of Selkirk dated the

10 day of

18 , were ordered to be paid by the said C. D., to A. B., as  
and for his costs sustained by him on the trial of a complaint  
against the voters' list of the City of Winnipeg, in the County  
of Selkirk for 18 , made and prosecuted under the provisions

15 of the voters' list clauses of the

which said costs have been taxed and

allowed at the said sum as appears of record and have that  
money before our judge of our said Court at Winnipeg afore-  
said immediately after the execution thereof, and in what

20 manner you shall have executed this, our writ make appear to  
our judge aforesaid, at Winnipeg aforesaid, immediately after  
the execution thereof, and have you there then this writ.

Witness His Honor

Judge of our said County Court of the County of Selkirk at

25 Winnipeg, the

day of

in the year of our Lord 18

*Clerk.*

## FORM XIX.

In the matter of assessment for the year 18 , in the city  
30 of Winnipeg.

The persons mentioned in the first column of the schedule  
following, not being assessed, or not being sufficiently assessed,  
on the assessment roll of the City of Winnipeg, for the year  
18 , and having been found entitled to vote, on proceed-  
35 ings taken before me, the Judge of the County Court of the

County of Selkirk, under the voters' list clauses of

in pursuance of section      of the said Act, it is  
 adjudged that the said parties mentioned in the first column of  
 the following schedule, respectively, should have been assessed  
 for the sum mentioned in the second column, respectively, op- 5  
 posite their respective names, in respect to the land or other  
 property or qualification mentioned in the third columns of  
 said schedules, respectively, opposite the respective names of  
 said parties, and it is ordered that the said parties shall be as-  
 sessed accordingly. 10

Dated the

day of

*Judge.*

#### SCHEDULE 1.

Column 1.	Column 2.	Column 3.
Names of persons liable to have been assessed on the Assessment Roll for the City of Winnipeg for the year 18 , but not assessed.	Amount for which the party should have been assessed.	Property in respect to which the liability to assessment exists.

#### SCHEDULE 2.

Column 1.	Column 2.	Column 3.
Names of persons not sufficiently assessed on the Assessment Roll for the City of Winnipeg for the year 18 .	Amount for which the parties should be assessed in addition to the amount already on the Assessment Roll.	Property in respect to which the liability to assessment exists.

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**A. B.**

\_\_\_\_\_

25 Whereas it appears by the application of A. B., prothonotary (or Deputy Clerk of the Crown and pleas) for the  
(*or*, "a person entitled to be  
named as an elector on the said list,") made to me, in pursuance of the said Act, that you, C. D., the Clerk of the said city,  
30 have failed to perform certain duties required of you by the said Act, in this that you have not made out the alphabetical list of voters' for 18 , for the said city, within thirty days after the final revision and correction of the assessment roll thereof (*or as the case may be, following the application*); and  
35 whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

You the said C. D., are therefore hereby required to be and  
appear before me at my chambers, in  
on the                      day of  
18      , at the hour of  
and then and there have with you and produce before me the 5  
assessment roll for 18      , for the said city, and any documents  
in your custody, power or control, relating to the assessment  
roll, or to the voters' list aforesaid ; and then and there submit  
yourself for the examination on oath as may be required of  
you. Herein fail not at your peril. 10

Dated this                      day of  
18

To C. D.,  
Clerk of the City of Winnipeg.

*Judge.* 15

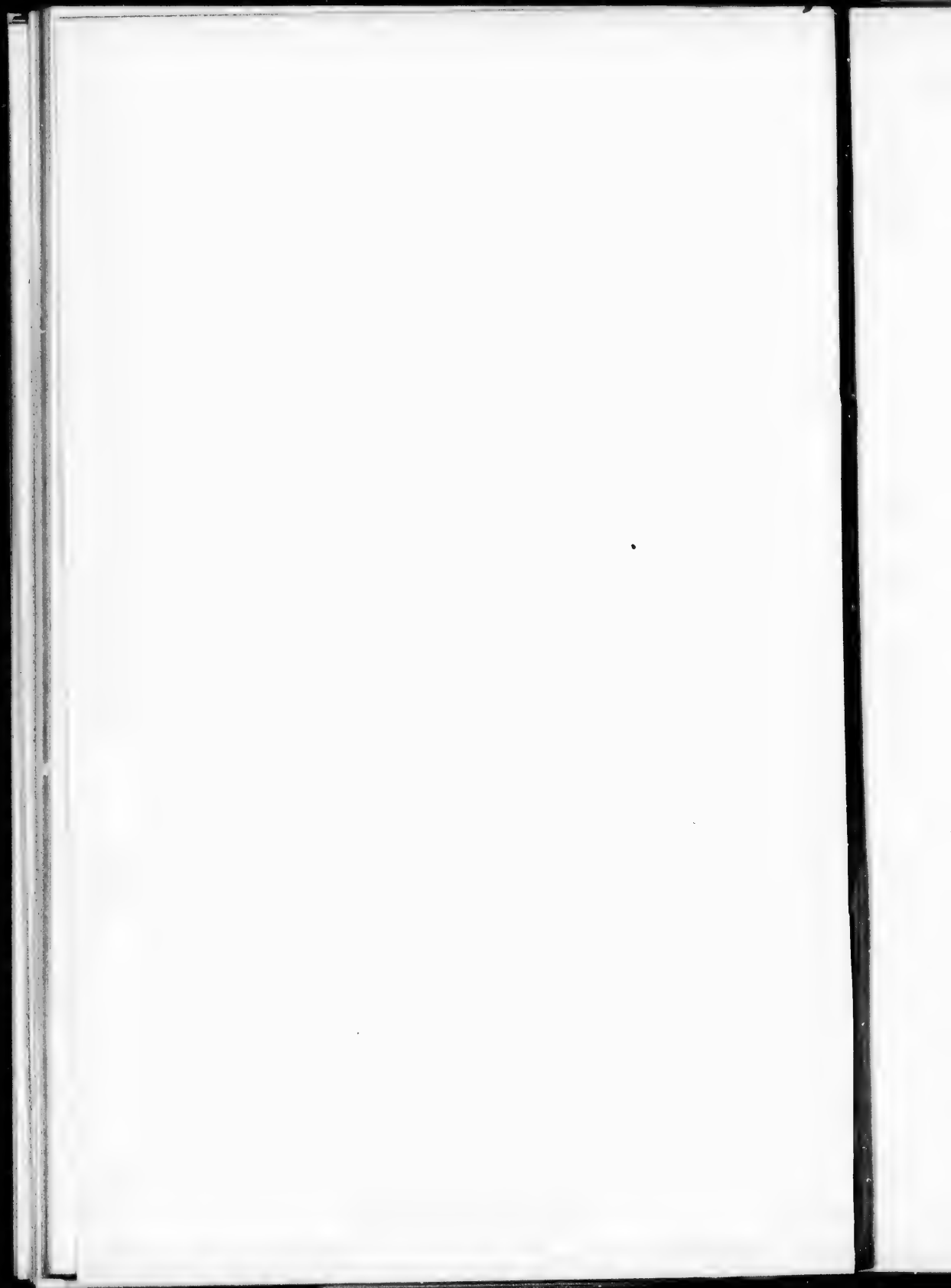
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—TO THE—

## CONSOLIDATED CHARTER,

—OF THE—

### CITY OF WINNIPEG, 1884.

(The figures in brackets refer to the number of subsection.)

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